

Sims, Wyteria v. Wingate Management Company, LLC

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WYTERIA SIMS, Individually and
o/b/o The Estate of MARCUS SIMS,
PLAINTIFF,

V.

WINGATE MANAGEMENT COMPANY, LLC,
DEFENDANT.

Case No.

1:22-CV-01696-

VMC

VIDEOTAPED DEPOSITION OF
KARIM VELLANI

DATE: Wednesday, June 12, 2024
TIME: 12:04 p.m. CDT/1:04 p.m. EDT
LOCATION: Remote Proceeding
Richmond, TX 77407
REPORTED BY: Susan Karetny
JOB NO.: 6748677

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<p>1 APPEARANCES</p> <p>2 ON BEHALF OF PLAINTIFF WYTERIA SIMS:</p> <p>3 DAVID H. BOUCHARD, ESQUIRE (by videoconference)</p> <p>4 Finch McCranie LLP</p> <p>5 229 Peachtree Street Northeast</p> <p>6 Atlanta, GA 30303</p> <p>7 david@finchmccranie.com</p> <p>8 (404) 658-9070</p> <p>9</p> <p>10 ON BEHALF OF DEFENDANT WINGATE MANAGEMENT COMPANY,</p> <p>11 LLC:</p> <p>12 JACKSON DIAL, ESQUIRE (by videoconference)</p> <p>13 Weinberg Wheeler Hudgins Gunn & Dial</p> <p>14 3344 Peachtree Road Northeast, Suite 2400</p> <p>15 Atlanta, GA 30326</p> <p>16 jdial@wwhgd.com</p> <p>17 (404) 876-2700</p> <p>18</p> <p>19 LAUREN WOODRICK, ESQUIRE (by videoconference)</p> <p>20 Swift Currie McGhee & Hiers, LLC</p> <p>21 1420 Peachtree Street Northeast, #800</p> <p>22 Atlanta, GA 30309</p> <p>23 lauren.woodrick@swiftcurrie.com</p> <p>24 (404) 888-6168</p> <p>25</p>	<p>1 INDEX</p> <p>2 EXAMINATION: PAGE</p> <p>3 By Mr. Bouchard 7</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 NO. DESCRIPTION PAGE</p> <p>7 Plaintiff:</p> <p>8 Exhibit 1 Threat Analysis Group - Expert</p> <p>9 Report Re: Newton, Et Al. 28</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 APPEARANCES (Cont'd)</p> <p>2 ALSO PRESENT:</p> <p>3 Doneilea Williams, Videographer, (by</p> <p>4 videoconference)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Today's date is June</p> <p>3 12, 2024, and the time is 1:04 p.m. This will be</p> <p>4 videotaped deposition of Karim Vellani. May the</p> <p>5 reporter proceed.</p> <p>6 THE REPORTER: Good afternoon. My name</p> <p>7 is Susan Karetny; I am the reporter assigned by</p> <p>8 Veritext to take the record of this proceeding. We</p> <p>9 are now on the record at 1:04 p.m.</p> <p>10 This is the deposition of Karim Vellani</p> <p>11 taken in the matter of Wyteria Sims [sic],</p> <p>12 individually and on behalf of the estate of Marcus</p> <p>13 Sims, vs. Wingate Management Company, LLC on June 12,</p> <p>14 2024 at 11703 Haley Hollow, Richmond, Texas, 77407.</p> <p>15 I am a notary authorized to take</p> <p>16 acknowledgments and administer oaths in Georgia.</p> <p>17 Parties agree that I will swear in the witness</p> <p>18 remotely outside of his presence.</p> <p>19 Additionally, absent an objection on</p> <p>20 the record before the witness is sworn, all parties</p> <p>21 and the witness understand and agree that any</p> <p>22 certified transcript produced from the recording</p> <p>23 virtually of this proceeding:</p> <p>24 - is intended for all uses permitted</p> <p>25 under applicable procedural and</p>

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<p style="text-align: right;">Page 6</p> <p>1 evidentiary rules and laws in the 2 same manner as a deposition recorded 3 by stenographic means; and 4 - shall constitute written stipulation 5 of such. 6 At this time will everyone in 7 attendance please identify yourselves for the record, 8 and we'll start with Mr. Bouchard. 9 MR. BOUCHARD: Good afternoon. David 10 Bouchard from Finch McCranie in Atlanta, Georgia, on 11 behalf of the plaintiffs. 12 MR. DIAL: This is Jad Dial from 13 Weinberg Wheeler, also in Atlanta, on behalf of the 14 defendants. 15 MS. WOODRICK: Lauren Woodrick, Swift 16 Currie McGhee & Hiers, in Atlanta, on behalf of 17 Wingate Management Company. 18 THE REPORTER: And Mr. Vellani, you 19 just have to state your name. 20 MR. VELLANI: Oh, sorry. Karim 21 Vellani, Threat Analysis Group. 22 THE REPORTER: Thank you. Hearing no 23 objections, I will now swear in the witness. 24 Mr. Vellani, would you please raise 25 your right hand?</p>	<p style="text-align: right;">Page 8</p> <p>1 1:22-cv-01696. It's also taken in related cases 2 1:22-cv-01692 through 1:22-cv-01695, which are the 3 Ricky Phillips, Keiontay Davis, Kenneth Long, and 4 DeMario Newton lawsuits, respectively. 5 Counsel for the defendants in all five 6 cases are present after receiving reasonable notice of 7 the deposition. All objections other than to the form 8 of a question or to an issue of privilege are 9 preserved. Is that agreeable? 10 MR. DIAL: And responsiveness of the 11 answer. But yes. 12 MR. BOUCHARD: Lauren, I take it that's 13 agreeable to you, as well? I'm not sure if you're 14 going to be speaking, as well. 15 MS. WOODRICK: That is agreeable to me. 16 MR. BOUCHARD: Thank you. 17 This deposition is taken pursuant to 18 properly served deposition notices and cross-notices 19 and taken for all purposes permitted under the federal 20 rules of civil procedure and the Georgia Civil 21 Practice Act, including but not limited to 22 preservation of testimony and cross-examination. Is 23 that also agreeable? 24 MR. DIAL: Yes. 25 MS. WOODRICK: Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 WHEREUPON, 2 KARIM VELLANI, 3 called as a witness and having been first duly sworn 4 to tell the truth, the whole truth, and nothing but 5 the truth, was examined and testified as follows: 6 THE REPORTER: Counsel, you may 7 proceed. 8 EXAMINATION 9 BY MR. BOUCHARD: 10 Q Good afternoon, Mr. Vellani. My name's 11 David Bouchard. I'm a lawyer here in Atlanta, 12 Georgia, at Finch McCranie. And you understand I 13 represent the plaintiffs in the cases that we're here 14 about today? 15 A Yes, sir. Good to see you again. 16 Q Good to see you as well, sir. Thank you for 17 making yourself available today. I appreciate it. 18 A Yes, sir. 19 Q Sir, let me, if I can, just go over some 20 preliminary items, and then we'll dive into it; okay, 21 sir? 22 A All right. 23 MR. BOUCHARD: This deposition is taken 24 on behalf of plaintiff Wyteria Sims, individually, and 25 on behalf of the estate of Marcus Sims in case number</p>	<p style="text-align: right;">Page 9</p> <p>1 BY MR. BOUCHARD: 2 Q Mr. Vellani, you've obviously been deposed 3 before. I've deposed you before, sir, as you know. 4 A Sure. 5 Q I'll dispense with the ground rules of a 6 deposition that I would ordinarily cover with a new 7 witness who's unfamiliar with depositions, because I 8 don't think that's necessary here; do you agree with 9 me, sir? 10 A Yes, sir. 11 Q And I did just want to clarify at the 12 outset, sir, is there any reason why you're not able 13 to proceed with the deposition today and provide 14 complete, truthful, and accurate testimony? 15 A No, sir. 16 Q Also, sir, if you answer a question, I'm 17 going to understand that to mean that you understood 18 the question and therefore answered it; okay? 19 A Yes, sir. 20 Q If you don't understand a question, please 21 let me know; is that fair? 22 A I will. 23 Q Mr. Vellani, do you have a law degree? 24 A I do not. 25 Q Have you attended law school?</p>

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<p style="text-align: right;">Page 10</p> <p>1 A No, sir.</p> <p>2 Q Have you taken the bar?</p> <p>3 A No, sir.</p> <p>4 Q Do you consider yourself an expert in the</p> <p>5 law?</p> <p>6 A No, sir.</p> <p>7 Q Have you ever been employed in the</p> <p>8 residential housing industry?</p> <p>9 A As a consultant, not employed.</p> <p>10 Q As a consultant in your work as a security</p> <p>11 consultant?</p> <p>12 A Yes, sir.</p> <p>13 Q In any other capacities?</p> <p>14 A No, sir.</p> <p>15 Q Have you ever worked as a property manager</p> <p>16 in the residential housing industry?</p> <p>17 A No, sir.</p> <p>18 Q Setting aside your work as a security</p> <p>19 consultant -- I think you just answered this, but have</p> <p>20 you ever worked for an apartment complex?</p> <p>21 A No, other than as a consultant.</p> <p>22 Q Do you consider yourself an expert in the</p> <p>23 residential housing industry?</p> <p>24 A As it relates to security, yes.</p> <p>25 Q As it relates to the day-to-day management</p>	<p style="text-align: right;">Page 12</p> <p>1 consider those relatively minor in the scheme of</p> <p>2 things.</p> <p>3 Q Have you ever investigated a crime as a law</p> <p>4 enforcement officer?</p> <p>5 A No, sir.</p> <p>6 Q You ever investigated a homicide as a law</p> <p>7 enforcement officer?</p> <p>8 A No, sir.</p> <p>9 Q Have you ever investigated a gang-related</p> <p>10 crime as a law enforcement officer?</p> <p>11 A No, sir.</p> <p>12 Q Have you ever made an arrest as a law</p> <p>13 enforcement officer?</p> <p>14 A No, sir.</p> <p>15 Q Do you consider yourself an expert in law</p> <p>16 enforcement?</p> <p>17 A I mean, that's a -- law enforcement's an</p> <p>18 extraordinarily broad topic, so I'm going to say</p> <p>19 generally, no. There are aspects of it that I</p> <p>20 understand at a very deep level, like crime analysis.</p> <p>21 But generally, I would say no.</p> <p>22 Q Other than crime analysis, are there any</p> <p>23 other aspects that you would say you might have</p> <p>24 expertise in?</p> <p>25 A Well, it depends on what buckets we're</p>
<p style="text-align: right;">Page 11</p> <p>1 of a property, I take it no?</p> <p>2 A Correct.</p> <p>3 Q Do you consider yourself an expert in</p> <p>4 managing apartment complexes?</p> <p>5 A No, sir.</p> <p>6 Q Or in managing multi-family dwelling units?</p> <p>7 A No, sir.</p> <p>8 Q Have you ever worked as a law enforcement</p> <p>9 officer?</p> <p>10 A No, sir.</p> <p>11 Q As a detective?</p> <p>12 A No, sir.</p> <p>13 Q Do you have law enforcement training?</p> <p>14 A I have some. I have a undergrad degree in</p> <p>15 criminal justice with a specialization in law</p> <p>16 enforcement. I have been trained by the Texas</p> <p>17 Commission -- well, nowadays, it's called something</p> <p>18 different -- but Texas Commission on Law Enforcement</p> <p>19 here in Texas with respect to firearms, and I am a</p> <p>20 firearms instructor under the Texas Commission on Law</p> <p>21 Enforcement.</p> <p>22 Q Any other law enforcement training?</p> <p>23 A No, sir. Well, I mean, I've had training</p> <p>24 from police departments on various things. Crime</p> <p>25 analysis, gang activity, that kind of stuff. But I</p>	<p style="text-align: right;">Page 13</p> <p>1 talking about. You know, it depends on how you</p> <p>2 break -- you know, break law enforcement up into</p> <p>3 various segments. Crime analysis is probably the one</p> <p>4 that I am the most familiar with. It's the one that I</p> <p>5 have assisted police departments with. But I've also</p> <p>6 consulted with police departments on converting jails</p> <p>7 into catch and release centers.</p> <p>8 So there's aspects that, you know, I've got</p> <p>9 some specialization in, or some experience in. But</p> <p>10 again, you know, what I could tell you is -- if, you</p> <p>11 know, you're asking me if I'm a law enforcement</p> <p>12 expert, the answer's no.</p> <p>13 Q Think you mentioned that you received</p> <p>14 training in gangs; did I hear you correctly?</p> <p>15 A Yes, sir.</p> <p>16 Q What training have you received?</p> <p>17 A So I've attended multiple gang -- gang</p> <p>18 seminars over the years. The one that stands out to</p> <p>19 me is one that was hosted by -- I believe it was the</p> <p>20 Montgomery County Sheriff's Office here in Texas.</p> <p>21 Q When was that?</p> <p>22 A Oh, I don't know. It might be on my -- it</p> <p>23 might be listed on my CV. But I don't -- I don't know</p> <p>24 the dates.</p> <p>25 Q More than five years ago?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A Oh, yeah. For sure.</p> <p>2 Q More than ten?</p> <p>3 A I -- I would imagine so. I don't know the</p> <p>4 exact date. But -- you know, certainly wasn't in the</p> <p>5 last ten years.</p> <p>6 Q Did you say it certainly was or was not</p> <p>7 within the last ten?</p> <p>8 A Was not.</p> <p>9 Q Okay. Do you have any other training in</p> <p>10 gangs, other than the Montgomery County Sheriff's</p> <p>11 Office training?</p> <p>12 A Well, I've attended seminars. Nothing big</p> <p>13 enough or worthy enough, in my opinion, to put on a --</p> <p>14 on a CV or anything like that. The gang -- that one</p> <p>15 that I did in Montgomery County was kind of unique</p> <p>16 because it was only open to law enforcement, and me.</p> <p>17 I had a special invite. And that was like an all-day</p> <p>18 deal, or it might have been a two-day deal.</p> <p>19 Q Have you published any articles on gangs?</p> <p>20 A Indirectly, yes. I've got -- there is a</p> <p>21 publication that is on the International Association</p> <p>22 of Professional Security Consultants website, called</p> <p>23 Risky Behaviors and Violent Victimization. That paper</p> <p>24 deals with, ultimately, risky behaviors, gang</p> <p>25 activity, drug dealing, illicit sexual behavior being</p>	<p style="text-align: right;">Page 16</p> <p>1 that, but that's everything before the colon.</p> <p>2 Q Any other written publications on gangs?</p> <p>3 A Those are the four or five that come to</p> <p>4 mind. I can't think of any others.</p> <p>5 Q Have you conducted any research or studies</p> <p>6 on gangs?</p> <p>7 A Yes, sir, as part of the -- as part of the</p> <p>8 two papers I mentioned, there was a ton of research,</p> <p>9 particularly the risky behaviors one. And I continue</p> <p>10 to do research -- you know, I want to say on a daily</p> <p>11 basis. It depends on my time, how much time I have.</p> <p>12 But you know, on a daily basis, I'm reviewing research</p> <p>13 on various topics, gang activity being one of them.</p> <p>14 So you know, basically what I'm doing is</p> <p>15 always taking notes and reading stuff in preparation</p> <p>16 for a new edition of a book or another paper or</p> <p>17 something.</p> <p>18 Q Do you have any training or expertise in</p> <p>19 Atlanta area gangs?</p> <p>20 A No. No.</p> <p>21 Q Do you have any training in how to identify</p> <p>22 whether someone is associated with, affiliated with,</p> <p>23 or a member of a gang?</p> <p>24 A Well, that was -- so I've had several</p> <p>25 seminars, but that's highly regional. That's very</p>
<p style="text-align: right;">Page 15</p> <p>1 three different types of risky behaviors that are</p> <p>2 addressed in that paper. That was also addressed in</p> <p>3 my report, by the way.</p> <p>4 Q Yeah. When I say "published," I don't mean</p> <p>5 published in the report you wrote in this case.</p> <p>6 A No, this was published on the -- in the --</p> <p>7 on the IAPSC website. There's also another one, which</p> <p>8 I believe does talk about gang activity. It's called</p> <p>9 Violent Crime Typology and Continuum, and that one is</p> <p>10 published on the Criminology Archive. It's also --</p> <p>11 you can find both of those on my website.</p> <p>12 And then I suspect, though I don't know</p> <p>13 definitively -- I suspect that gang activity is -- is</p> <p>14 discussed probably in both of my books that are still</p> <p>15 in print. Two of the books out of three that are</p> <p>16 still in -- two of them are -- let me -- let me</p> <p>17 rephrase this. I have published three books. Two of</p> <p>18 them are still in print. I suspect that all three</p> <p>19 books address this. But like I said, you can</p> <p>20 certainly get access to two of them.</p> <p>21 Q Which ones are those?</p> <p>22 A The first one is called Strategic Security</p> <p>23 Management. It's currently in its second edition,</p> <p>24 with a third edition on the way. And this other book</p> <p>25 is called Unraveled -- it's got a longer title than</p>	<p style="text-align: right;">Page 17</p> <p>1 localized to a particular area, and I don't have</p> <p>2 Atlanta gang training. So you know, to answer your</p> <p>3 question, cut to the chase and maybe help you out a</p> <p>4 bit, I do not have gang activity training in Atlanta,</p> <p>5 and that -- that would then preclude me from, you</p> <p>6 know, giving you an opinion as to whether someone's a</p> <p>7 gang member out there.</p> <p>8 Again, it's highly localized. I mean, other</p> <p>9 than the obvious things, like wearing blue or wearing</p> <p>10 red; right? I mean, there's some obvious stuff. But</p> <p>11 I mean, as far as whether someone's in the Rollin' 60s</p> <p>12 or something, that's not something that I can figure</p> <p>13 out, being from Texas.</p> <p>14 Q What's your understanding of the difference</p> <p>15 between being associated with, affiliated with, and a</p> <p>16 member of a gang, or are those synonymous terms in</p> <p>17 your estimation?</p> <p>18 A I -- I don't believe that they're synonymous</p> <p>19 terms. I will tell you, from the research</p> <p>20 perspective, it doesn't seem to matter whether you're</p> <p>21 an affiliate or a member. The point is that if you</p> <p>22 are associating with gang members or a gang member,</p> <p>23 your chance of violent victimization goes up by, like,</p> <p>24 280 something percent. So I don't know that, from a</p> <p>25 research perspective, those distinctions matter. But</p>

5 (Pages 14 - 17)

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<p style="text-align: right;">Page 18</p> <p>1 I will agree with you that there are distinctions.</p> <p>2 Q What are the distinctions?</p> <p>3 A Well, it's exactly as you said. You can be</p> <p>4 either a -- you know, an initiated gang member, or</p> <p>5 affiliated with a gang.</p> <p>6 Q Yeah. And so what does that mean to you,</p> <p>7 being affiliated with versus being a member of?</p> <p>8 A I don't know that it makes a difference to</p> <p>9 me, other than you have not been -- you know, if</p> <p>10 you're an -- if you're affiliated, you're not, you</p> <p>11 know, initiated. You have not actually been accepted</p> <p>12 into membership, so to speak. You have not gone</p> <p>13 through the initiation process. But I'm -- from a</p> <p>14 practical perspective, I'm not sure it makes much</p> <p>15 difference.</p> <p>16 Q I think I heard you say this, but just to be</p> <p>17 clear, you do not consider yourself an expert in gang</p> <p>18 activity in Atlanta, Georgia, and/or as it relates to</p> <p>19 identifying members or affiliates or associates of</p> <p>20 gangs in Atlanta, Georgia?</p> <p>21 A Agreed. Yes.</p> <p>22 Q Do you consider yourself an expert in</p> <p>23 investigating gang activity in Atlanta, Georgia?</p> <p>24 A No, sir.</p> <p>25 Q Do you know what Georgia's law on gangs</p>	<p style="text-align: right;">Page 20</p> <p>1 anywhere near the credence that Mr. Ahmed does, just,</p> <p>2 you know, to give you some context there.</p> <p>3 I like having it. I'm happy to have it.</p> <p>4 I'm glad I studied for the test. I'm glad I have the</p> <p>5 certification. When I see RFPs or requests for</p> <p>6 proposals come across my desk, you know, there have</p> <p>7 been one or two that have said, you know, "CPP</p> <p>8 preferred," or, "CPP required." I have been told by</p> <p>9 one client that I was specifically given the contract</p> <p>10 because I have the CPP.</p> <p>11 But you know, we're talking about little</p> <p>12 data points out of thousands of RFPs I've dealt with</p> <p>13 in the last 30 years. It certainly doesn't have, you</p> <p>14 know, the stature that Mr. Ahmed is giving it. That's</p> <p>15 what I'll say.</p> <p>16 Q Well, I'm not asking you anything about</p> <p>17 Mr. Ahmed right now. I'm just asking for what having</p> <p>18 a CPP enables you to do.</p> <p>19 A Yeah. It doesn't enable you to do anything.</p> <p>20 I mean, there -- I mean, other than, perhaps, bid on</p> <p>21 an RFP that has a CPP requirement. So -- but it</p> <p>22 doesn't actually give you the ability to do anything.</p> <p>23 Q Do you disagree that the CPP is considered</p> <p>24 the gold standard certification for security</p> <p>25 professionals?</p>
<p style="text-align: right;">Page 19</p> <p>1 says?</p> <p>2 A No, sir.</p> <p>3 Q Do you know whether it's a crime under</p> <p>4 Georgia law to be in a gang?</p> <p>5 A I don't know. I would have a hard time</p> <p>6 believing that it would be a -- a crime in and of</p> <p>7 itself, but I don't know.</p> <p>8 Q Do you consider yourself an expert in</p> <p>9 homicide investigations?</p> <p>10 A You mean, like, as a -- as a detective? As</p> <p>11 a criminal detective?</p> <p>12 Q As a law enforcement professional.</p> <p>13 A Yeah, I answered no to that earlier.</p> <p>14 Q Obviously, one of your credentials,</p> <p>15 Mr. Vellani, is CPP.</p> <p>16 A Yes, sir.</p> <p>17 Q How did you become a CPP?</p> <p>18 A I applied for, studied for, and then took</p> <p>19 the test.</p> <p>20 Q What does that credential enable you to do?</p> <p>21 A Nothing. It -- it is -- you know, it is</p> <p>22 largely considered, you know, the big -- the big</p> <p>23 security certification among security professionals.</p> <p>24 Does it actually mean anything in the real world?</p> <p>25 Not -- certainly not as much -- I don't give it</p>	<p style="text-align: right;">Page 21</p> <p>1 A No. Like I said, that's -- it's the big</p> <p>2 one. It is the big certification in the industry. If</p> <p>3 you think about -- if you think about all the</p> <p>4 certifications that are out there in the industry,</p> <p>5 there are three that are hosted by ASIS. There is the</p> <p>6 CPP, the PSP, and the -- and the CPI. The -- I'm</p> <p>7 sorry, the PCI. One is an investigations one, so</p> <p>8 that's narrowly focused. One is the PSP, which is</p> <p>9 physical security focused. And the CPP encompasses</p> <p>10 both of those and more.</p> <p>11 So in the ASIS world, it's the top one. It</p> <p>12 is certainly considered the gold standard in the</p> <p>13 industry. In -- if you look at different</p> <p>14 organizations, you know, as a security consultant, I</p> <p>15 consider the CSC to be far more valuable, certified</p> <p>16 security consultant certification, because that</p> <p>17 certifies you as an independent security consultant</p> <p>18 with the requisite knowledge.</p> <p>19 And if I was working in, you know the CPTED</p> <p>20 industry, Crime Prevention Through Environmental</p> <p>21 Design, C-P-T-E-D, you know, there are CPTED</p> <p>22 certifications out there. If you're operating in</p> <p>23 information security, you know, there are -- there's</p> <p>24 the CISSP, which would be the gold standard for</p> <p>25 information security.</p>

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<p style="text-align: right;">Page 22</p> <p>1 So it depends on what aspect of it. But you 2 know, what I would tell you is that, you know, I think 3 that, for my work, the CPP and the CSC are the most 4 important. But they don't, in and of itself, give -- 5 do anything; right? 6 Q Do you agree that the CPP demonstrates 7 knowledge and competency in seven key domains of 8 security? 9 A Yes, sir. 10 Q Do you agree that the CPP is globally 11 recognized as standard of excellence for security 12 management professionals? 13 A Well, I mean, that's ASIS marketing stuff. 14 I mean, I don't disagree with it, but I don't 15 necessarily agree with it. I haven't given that much 16 thought before. 17 Q Are you qualified to conduct risk 18 assessments based on the CPP certification that you 19 have? 20 A That is not what gives me the -- the 21 qualifications to go out and do the security risk 22 assessments. I've researched different security risk 23 assessment methodologies. I've written extensively on 24 security risk assessment methodologies. I've 25 published two books -- or actually one book twice,</p>	<p style="text-align: right;">Page 24</p> <p>1 is, frankly, experience. Easy for me to say it, you 2 know, the latter part of my -- my career. Certainly 3 didn't have the experience early on. But that -- you 4 know, I can look back on my career when I was two 5 years into it and go, "Yeah, you know what? You 6 didn't really know what you were doing." 7 So you know, I would say experience is 8 probably the most important thing, and obviously 9 knowledge of the various tools and methods that are 10 out there. 11 Q And in your work as a security consultant, 12 Mr. Vellani, do you conduct both prospective and 13 retrospective risk assessments? 14 A Yes, sir. 15 Q What's the point of a prospective risk 16 assessment? 17 A So it largely depends on -- it largely 18 depends on what the scope of the engagement is of the 19 client. So if a client says, "Hey, I've got crime 20 problems," then I'll probably propose doing a 21 full-blown risk assessment, which would look at all 22 security-related threats. I wouldn't look at safety 23 issues. I wouldn't look at natural hazard issues, 24 typically, unless it's, like, a data center or 25 something like that.</p>
<p style="text-align: right;">Page 23</p> <p>1 second edition and now a third edition on the way, on 2 different security risk assessment methodologies. 3 This is primarily, you know, what I do. 4 I've developed security risk assessment methodologies 5 for specific clients and specific industries. I have 6 published guidelines, or a guideline, on security risk 7 assessment. And I should say, plural, guidelines. 8 One was the International Association of Healthcare 9 Security & Safety Guideline, zero point -- 01.02 in 10 the IAHS guidelines. So that's a healthcare security 11 guideline on conducting security risk assessments. 12 I am also a co-author of the IAPSC forensic 13 methodology, which incorporates a security risk 14 assessment practice process. And then there's 15 actually a third one, the 2015 risk assessment 16 standard published by ASIS. I was on the working 17 committee for that. 18 Q Is it your opinion, Mr. Vellani, that the 19 only people qualified to conduct risk assessments are 20 those who have researched and published articles or 21 guidelines relating to security? 22 A No. I think you can go on and get trained. 23 I mean, you can attend various seminars and learn how 24 to do them. And you know, ultimately, the most 25 important thing I would say at this point in my career</p>	<p style="text-align: right;">Page 25</p> <p>1 I would largely be looking at an all -- all 2 security hazard approach. Most clients come to you 3 with a specific need, so the prospective assessment 4 would be looking at the likelihood of those types of 5 crimes, whatever there are at issue, continuing to 6 occur in the future, and how do you mitigate those 7 risks. 8 Q Is it fair to say that at least one point of 9 a prospective security risk assessment is to mitigate 10 foreseeable security risks? 11 A Well, yeah, but you wouldn't use the word 12 "foreseeable" in -- in prospective stuff. I mean, 13 you're dealing with end user clients. 14 "Foreseeability" is kind of a legal term; right? So 15 you wouldn't be using that word specifically. 16 Q What word would you be using? "Anticipate"? 17 A Yeah. I mean, you would use common 18 parlance. I mean, you just -- you probably wouldn't 19 throw a bunch of legalese at a -- at a consulting 20 client. 21 Q When you use it as much as we lawyers do, it 22 stops sounding like legalese, so -- 23 A I -- I -- same here. I agree. 24 Q Yeah. I take your point. When you're 25 evaluating as part of a prospective risk assessment,</p>

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<p style="text-align: right;">Page 26</p> <p>1 sir, what security risks a client could anticipate, to 2 use that word, what are you considering? 3 A And I'm sorry. I zoned out for a minute, or 4 didn't quite get it. Tell me -- say it again? 5 Q Yeah. So when you're conducting a 6 prospective security risk assessment and you're 7 looking at security risks prospectively for a 8 client -- in other words, you're helping the client 9 identify and anticipate security risks, based on what 10 we just discussed. What are you considering in order 11 to determine what security risks the client should be 12 anticipating? What data are you looking at? What 13 information are you looking at? 14 A Well, I gather a lot from doing interviews. 15 I mean, there's -- there's three ways to do this. 16 There's probably more, but I'm going to put them in 17 three buckets. Number one, you do the actual crime 18 analysis, like you and I discussed during the last 19 deposition. You do a deep dive on the crime 20 statistics. 21 Two, you identify, through interviews, what 22 their concerns are about what's happened historically, 23 or alternatively, what their concerns are going -- 24 going in the future. So if you talk to a typical 25 school today, you know, their concern would be active</p>	<p style="text-align: right;">Page 28</p> <p>1 am pulling this up, Mr. Vellani, I can preview for you 2 that I'm pulling up the five expert reports that you 3 produced and prepared in the five cases that we're 4 here about today. And I'm going to introduce those as 5 Plaintiff's Exhibits 1 through 5 to your deposition; 6 okay, sir? 7 A All right. 8 Q And just as a preliminary matter, I'll mark 9 as Plaintiff's Exhibit 1 the DeMario Newton expert 10 report. 11 (Plaintiff Exhibit 1 was marked for 12 identification.) 13 As Plaintiff's Exhibit -- 14 A They were all the same, sir. 15 Q Are they all identical? 16 A Yeah. I -- I only did one report. 17 Q Okay. Other than the plaintiffs' names, 18 there's no differences between them? 19 A I'm not even sure the plaintiffs' names are 20 different -- at least not on mine. 21 Q Okay. So the Re: line on all of them is 22 Newton, et al.? 23 A Yes, sir. 24 Q Okay. Understood. That's what was tripping 25 me up. Okay. So I'm going to ask you questions,</p>
<p style="text-align: right;">Page 27</p> <p>1 shooter, typically. 2 And then three, you're bringing your 3 experience to bear on what are called inherent 4 threats. So you know, what have I seen occur at other 5 apartment complexes? And that's where that experience 6 really comes into play. You know, I've been to -- I 7 don't know. So I keep trying to guesstimate this 8 number, and -- and I doubt I've got it right, but -- 9 and I'm going to give you a big range. 10 But I've probably been to somewhere between 11 500 and 1,000 apartment complexes across the country 12 and interviewed the same amount of property managers 13 across the country, and that experience has told me 14 that, you know, even if they don't have a particular 15 concern about something, they sometimes ought to. 16 So I will bring that to bear on -- you know, 17 either in a written report, or in verbal 18 recommendations, or whatever the end result ends up 19 being. So to answer your question again, in summary, 20 number one would be the actual crime data. Number two 21 would be the information gathered through the 22 interview process. And number three would be the 23 inherent threats. 24 Q Thank you, sir. I appreciate that. I want 25 to share my screen. Give me a minute here. And as I</p>	<p style="text-align: right;">Page 29</p> <p>1 then, about the report that was publicly filed in the 2 DeMario Newton case, but I'll understand that it's the 3 identical report to the reports that were filed in the 4 four other related cases; is that fair? 5 A Yes, sir. 6 Q If, for some reason, as I'm talking to you 7 about your report, something occurs to you that's 8 different between the five reports, please flag that 9 for me, Mr. Vellani. 10 A I can assure you there's no difference 11 between the five reports. It's only one report on my 12 end. I saw the blue headers on your end. 13 Q Yes, sir. 14 A On my end, it's -- it's literally one 15 report. It's not like that other -- the -- it's not 16 like the trafficking case where there were two -- two 17 different reports. There's literally just one report. 18 Q Okay, great. Are you able to see my screen 19 with the report on it? 20 A Yes, sir. 21 Q Okay, great. And this is the most updated 22 draft of your report, Mr. Vellani? 23 A Yes, sir. 24 Q Okay. Dated April 29th? 25 A Yes, sir.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q And the opinions across the five cases that 2 you've set forth in these reports are identical; is 3 that correct? 4 A Correct. 5 Q You reference here on page 1 of Plaintiff's 6 Exhibit 1 that this report may be supplemented. Have 7 you supplemented your report, sir? 8 A I have not. 9 Q As you sit here today, do you intend to 10 supplement it? 11 A No. No. 12 Q Are there any materials that you needed to 13 conduct your review that you have not received? 14 A No, not for my court opinion. I mean, the 15 only thing I think I've received after the fact that 16 would have any impact is Mr. Ahmed's deposition. 17 Q And just for the clarity of the record, I'm 18 going to revise what I said previously. Because 19 you've testified that there's one report and it's 20 identical across all five cases, I'm just going to 21 have one Plaintiff's exhibit here identified and 22 marked as Plaintiff's Exhibit 1 that represents the 23 common expert report across all five cases. That's 24 what we'll be discussing, and I'll refer to it as 25 Plaintiff's Exhibit 1.</p>	<p style="text-align: right;">Page 32</p> <p>1 if we -- 2 Q Well -- and Mr. Vellani, I'm going to stop 3 you for a moment. I was going to get into Detective 4 Belknap's report in a moment with you, and about some 5 issues relating to that report. So I don't mean to 6 cut you off, but it's actually my intention in this 7 deposition not to go into that report, and for you to 8 not answer questions that draw upon your review of 9 that report. And I'll just state for the record my 10 reasons for doing so. So I -- 11 MR. DIAL: Well, he can answer the 12 question however he wants, and he can rely on whatever 13 he wants. I don't think you can tell him not to rely 14 on that report. 15 MR. BOUCHARD: Well, I can ask him to 16 answer without relying upon Detective Belknap's 17 report. 18 MR. DIAL: Okay. What if he is for the 19 answer? I mean -- 20 MR. BOUCHARD: Well, if that's his sole 21 basis for answering the question, then I think you can 22 say, Mr. Vellani, that "My basis for understanding 23 when the subject incident began," which was my 24 question, "is based upon Detective Belknap's report." 25 THE WITNESS: Well --</p>
<p style="text-align: right;">Page 31</p> <p>1 Okay. Mr. Vellani, I wanted to ask you, on 2 page 8 of your report, towards the bottom in the third 3 paragraph, you talk about the subject incident, and 4 you say it's a murder and aggravated assault which 5 occurred on Tuesday, June 30, 2020, at approximately 6 01:07 hours, 1:07 a.m. Do you see that? 7 A Yes, sir. 8 Q Is that your definition of the subject 9 incident? 10 A I don't follow your question, sir. 11 Q How would you define the subject incident? 12 A Well, I mean, you're saying "define." I'm 13 providing a characterization, and usually, in that 14 characterization, it's based on the police report. 15 And I -- as I recall, that information came from the 16 police report, or at least my understanding of the 17 crime, that it was a murder and -- with other -- four 18 other victims. 19 Q In your opinion, Mr. Vellani, when did the 20 subject incident begin? 21 A Well, moments before the -- the shooting, 22 when the bullets started flying out of the car -- the 23 two cars driving on the public road. And I -- let me 24 be clear about this. I understand from Mark Belknap's 25 report that this was a series of ongoing disputes. So</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. DIAL: I don't think there's 2 anything like that, but I was just saying. I don't 3 know that you can dictate how he has to answer a 4 question. 5 BY MR. BOUCHARD: 6 Q Well, Mr. Vellani, my question was, when did 7 the subject incident begin? And are you relying upon 8 the APD incident report from the subject incident to 9 determine when the incident began, or are you relying 10 on some other source? 11 A Well, there's multiple sources of -- of 12 stuff; right? I mean, there's -- there's the -- 13 there's the video surveillance. I'm -- I'm going to 14 answer this question -- it's going to be a little bit 15 convoluted. But can we take a quick break after this 16 question? Is that okay? 17 Q Sure. 18 A Okay. So I just want to be -- I just want 19 clarity on what you mean, "the subject incident." If 20 we're talking -- if you're asking how I define the 21 subject incident, I'm defining the subject incident as 22 the incident that occurred, you know, at and from the 23 public streets near Bedford Pines on June 30th after 24 midnight some point; right? That's what I'm defining 25 as the subject incident.</p>

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<p style="text-align: right;">Page 34</p> <p>1 If you're defining it in a broader term, 2 meaning, like, all the retaliatory stuff that was 3 going on before that that's contained in Mr. Belknap's 4 report, then obviously I can't really exclude that 5 from my analysis. So I just need clarity from you on 6 what you mean when you say the -- when you mean 7 subject incident. 8 Q There's a capitalized term used in your 9 report, "Subject," with a capital S -- 10 A Yes, sir. 11 Q -- "Incident" with a capital I. 12 A Yes, sir. 13 Q So I started this line of inquiry by saying, 14 "How do you define the term 'subject incident'?" And 15 you said, "I don't know what you mean by that." 16 A Fair. 17 Q So I'm looking at the words used in your 18 report. And I guess, as we're unpacking this and 19 talking it through, if your definition of the subject 20 incident is based on more than the incident report 21 itself and is also based on Detective Belknap's 22 report, then I understand your answer. And that's all 23 I'm wondering about. 24 A No. You're -- you're fair. I appreciate 25 you pointing that out to me. I -- the way I'm using</p>	<p style="text-align: right;">Page 36</p> <p>1 from the property. That doesn't take very long. I 2 don't recall reading any specific testimony that 3 reflected, you know, any length -- any specific length 4 of time. 5 I mean, what I can tell you is that 6 number -- that date -- excuse me, that timestamp that 7 I'm giving you is based on what is contained in the 8 police report, as well as what is contained in the 9 Atlanta open records database -- open portal database, 10 I should say. 11 And then as far -- and just to be clear, 12 it's also contained in the video stamps, which show, 13 you know, a different time. One of them shows 1 a.m., 14 which would be based on the timestamp of the file 15 itself. And then there are two other videos which 16 show some time after midnight. Like, you know, 14, 15 17 minutes after midnight. But you know, which timestamp 18 is correct, I have no idea. 19 Q Do you know how long the plaintiffs were in 20 front of or around 639 Parkway before the shooting 21 occurred on June 30th? 22 A Well, you're saying -- I -- I think they 23 were out there at different times, so I don't think 24 there's one clear answer to that. I -- as I recall -- 25 I mean, it all sounds like Mr. Sims was kind of the</p>
<p style="text-align: right;">Page 35</p> <p>1 that term is this incident, which occurred at and near 2 Bedford Pines specifically on June 30th, involving 3 these five victims and those two cars. That's what I 4 mean by "the subject incident." 5 Q Understood. Did you still want to take a 6 break right now? 7 A Yes, sir, if you don't mind. 8 MR. BOUCHARD: Yep, sure -- 9 THE WITNESS: Thank you. I drank too 10 much coffee. Just bear with me. 11 THE VIDEOGRAPHER: The time is 12 1:40 p.m., and we are off the record. 13 (Off the record.) 14 THE VIDEOGRAPHER: The time is 15 1:43 p.m., and we are on the record. 16 BY MR. BOUCHARD: 17 Q Mr. Vellani, just picking up what we were 18 discussing before the break, when would you say the 19 subject incident, as that term is used in your report, 20 ended? 21 A I'm sorry, when it ended? 22 Q Correct. 23 A Well, I can't imagine this thing took very 24 long. So I mean, you know, you've got shots fired, 25 you know, from the street. You've got return fire</p>	<p style="text-align: right;">Page 37</p> <p>1 connecting point between them, from what I could 2 gather from testimony. But maybe that's just because 3 that's the way the questions were asked in the 4 deposition. So I don't actually know whether he was 5 the connection between them all. 6 But you know, they appeared -- I can't 7 remember -- one of them said that he was going to go 8 to the Amoco, and he was leaving the apartment going 9 to the Amoco gas station, and saw his friend out 10 there, who was one of the other guys, and stopped to 11 talk to him. And he said he was out there for, you 12 know, I recall, a few minutes. I think he said four 13 to five minutes before the shooting. I don't know 14 that there was a timeline nailed down on this before 15 from anyone else. 16 Q Is that timeline of how long the plaintiffs 17 were out in front of the building relevant to your 18 analysis? 19 A Well, I mean, it can be. But I don't know 20 of any way of reconciling those facts based on, you 21 know, the evidence in this case so far. You know, 22 there was -- we -- we know that there was no APD on 23 duty that night, so it's -- you know, we don't know if 24 they were hanging out there for 30 minutes or what 25 have you.</p>

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<p style="text-align: right;">Page 38</p> <p>1 But I -- you know, it could be relevant, but</p> <p>2 I don't know the numbers, so I don't know if it's</p> <p>3 relevant or not. And in light of the fact that, you</p> <p>4 know, APD wasn't there, I don't think it makes a</p> <p>5 difference.</p> <p>6 Q What do you mean, that APD wasn't there so</p> <p>7 it doesn't make a difference?</p> <p>8 A Well, I mean, I think, theoretically, if</p> <p>9 they were hanging out for, like, two or three hours,</p> <p>10 right, and APD happens to roll by, the off -- let me</p> <p>11 be clear about something. The off-duty APD rolls by,</p> <p>12 and knows that two of them have criminal trespass</p> <p>13 citations against them. Then I guess it's -- in</p> <p>14 theory, if they had done, you know, a stop-and-frisk</p> <p>15 on them, which seems very unlikely in June of 2020 for</p> <p>16 many obvious reasons, you know, they might -- in</p> <p>17 theory, if it happened, you know, they may have hauled</p> <p>18 two of them off to jail.</p> <p>19 It's possible, I suppose, that on-duty guys</p> <p>20 may also know these -- these actors, these plaintiffs,</p> <p>21 and could have done the same thing, you know. But</p> <p>22 it's -- it's hard to say. But if they're only out</p> <p>23 there for a couple minutes, you know, I'm not sure --</p> <p>24 I don't think it would be relevant to my opinion.</p> <p>25 Q Okay. So obviously, in your report, you've</p>	<p style="text-align: right;">Page 40</p> <p>1 same issue.</p> <p>2 Q Footnote 11, footnote 19, footnote 126.</p> <p>3 A Bear with me a second, 'cause I don't -- I</p> <p>4 didn't count three. I see 11, okay. Nineteen is -- I</p> <p>5 mean, again, yeah, 19's the same thing. Targeted;</p> <p>6 right? I mean, that's -- that's -- it's the same --</p> <p>7 it's -- it's three -- it's three footnotes addressing</p> <p>8 the same issue. I repeated myself.</p> <p>9 Q My question was, you agree with me that you</p> <p>10 cited to Detective Belknap's report in your report?</p> <p>11 A Yes, sir, three times.</p> <p>12 Q Have you ever communicated with Detective</p> <p>13 Belknap?</p> <p>14 A Not on this case, no.</p> <p>15 Q Have you ever met him?</p> <p>16 A No, sir.</p> <p>17 Q Have you ever communicated with him on any</p> <p>18 other cases?</p> <p>19 A I think we did a -- I don't know if I sat in</p> <p>20 on or watched one of his depositions. And yes, I have</p> <p>21 spoken with him on the phone and in the context of</p> <p>22 another case.</p> <p>23 Q But not in connection with this case?</p> <p>24 A I am 99.9 percent sure I have not spoken to</p> <p>25 him on this case. In fact, I'm just going to say 100</p>
<p style="text-align: right;">Page 39</p> <p>1 cited to Detective Belknap's report; is that correct?</p> <p>2 A Yes, sir. Well, I've got, like, one</p> <p>3 statement in there, I think. Let me -- hang on. I'm</p> <p>4 going to -- you don't need to pull it up. I can look</p> <p>5 it up right here. But I think I've got one citation</p> <p>6 to his report, if I'm not mistaken.</p> <p>7 Q Which one are you looking at?</p> <p>8 A Well, I'm looking at the last paragraph on</p> <p>9 page 8 that carries onto page 9. The only statement</p> <p>10 I've got that really goes back to Belknap's report is</p> <p>11 that all five men were known by APD to be associated</p> <p>12 with the Rollin' 60s gang. You know, but I've got to</p> <p>13 be honest, I was looking at Tate's deposition this</p> <p>14 morning, and he alludes to the same thing. So I</p> <p>15 should have probably cited to Tate as well.</p> <p>16 Q You agree that you have multiple footnotes</p> <p>17 in your report referencing Detective Belknap's report,</p> <p>18 including on page 31 of your report, relating to</p> <p>19 opinion 2? Footnote 126?</p> <p>20 A Yeah, but that's the same -- that's the same</p> <p>21 factual statement. It's really that -- that part of</p> <p>22 it is going back to the same issue that I discussed on</p> <p>23 page 11, I think it was. It's not different than</p> <p>24 that. So it's two -- I guess it's two footnotes?</p> <p>25 Yes. Looks like it's two footnotes referencing the</p>	<p style="text-align: right;">Page 41</p> <p>1 percent, 'cause I know that I haven't spoken to him on</p> <p>2 this case.</p> <p>3 Q Have you ever spoken with any other Atlanta</p> <p>4 Police Department officers in regards to this case?</p> <p>5 A Not specifically in regard to this case.</p> <p>6 Q My understanding is that the Atlanta Police</p> <p>7 Department has an active investigation into the June</p> <p>8 30, 2020 shooting that's the subject of these five</p> <p>9 cases. Is that your understanding?</p> <p>10 A I -- I don't know what the status is. I</p> <p>11 mean, all I know is that -- you know, the only thing</p> <p>12 I've got is this, you know, four-page report -- police</p> <p>13 report. So I don't actually know that -- where --</p> <p>14 what the status is.</p> <p>15 Q Have you submitted an open records request</p> <p>16 to the Atlanta Police Department for its file relating</p> <p>17 to the June 30, 2020 shooting?</p> <p>18 A No, sir. They -- I mean, an open records</p> <p>19 request on a crime like this is not likely to yield</p> <p>20 much in the way of results; right? Very similar to</p> <p>21 what this four pages is. I normally would rely on,</p> <p>22 you know, the attorneys involved in the case to file</p> <p>23 the subpoenas to get the reports. I wouldn't try -- I</p> <p>24 don't try -- typically try to get the subject incident</p> <p>25 report unless I'm just requesting, you know,</p>

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<p style="text-align: right;">Page 42</p> <p>1 historical data to include in the subject incident.</p> <p>2 Q Are you aware that APD has declined to</p> <p>3 produce its investigative file in the June 30, 2020</p> <p>4 shooting under Georgia's open records laws on the</p> <p>5 basis that its file is confidential because APD has an</p> <p>6 active investigation into the June 30, 2020 shooting?</p> <p>7 A No, I'm not specifically aware of that.</p> <p>8 Q Do you have any reason to dispute that?</p> <p>9 A No, sir.</p> <p>10 Q As it relates to APD records and the June</p> <p>11 30, 2020 shooting, have you seen anything other than</p> <p>12 the four-page incident report that you referenced</p> <p>13 previously?</p> <p>14 A What do you mean, have I -- like, from --</p> <p>15 specifically from APD?</p> <p>16 Q As it relates to APD records.</p> <p>17 A I don't believe so. I mean, I've seen other</p> <p>18 stuff, like the surveillance video and stuff. I don't</p> <p>19 know if that's part of the APD records or not.</p> <p>20 Q Do you know whether Detective Belknap was</p> <p>21 authorized by APD to produce a report in this case</p> <p>22 relating to APD's active investigation into the June</p> <p>23 30, 2020 shooting?</p> <p>24 MR. DIAL: Object to the form.</p> <p>25 A I have no idea.</p>	<p style="text-align: right;">Page 44</p> <p>1 involved itself and make a ruling.</p> <p>2 So until either the -- the parties work</p> <p>3 through the issue or the court rules upon it, I would</p> <p>4 ask that you not go into anything you learned from</p> <p>5 Detective Belknap's report, both because I have</p> <p>6 concerns that it's not proper to do so if it's a</p> <p>7 confidential investigation, as APD has told my office,</p> <p>8 and its files are not subject to disclosure, and also</p> <p>9 because I can't properly examine you about opinions</p> <p>10 relating to Detective Belknap's report without access</p> <p>11 to the underlying files that APD is saying are</p> <p>12 confidential.</p> <p>13 So I'll reserve the right to re-open your</p> <p>14 deposition in the future, depending upon how the</p> <p>15 parties resolve the issue and/or how the court rules</p> <p>16 upon it. I just wanted to state for the record that,</p> <p>17 as I ask you questions, I'm not asking you to rely on</p> <p>18 Detective Belknap's report, and to the extent you need</p> <p>19 to to answer, just tell me that. And if we need to</p> <p>20 come back and re-open your deposition in the future,</p> <p>21 we will do so.</p> <p>22 MR. DIAL: Yeah, and just for the</p> <p>23 record, it looks like where he does rely on it, he's</p> <p>24 got several other citations that also support the same</p> <p>25 point. So I don't know that he's solely relying on</p>
<p style="text-align: right;">Page 43</p> <p>1 Q Did you ask Detective Belknap to provide</p> <p>2 opinions about a confidential APD investigative file</p> <p>3 relating to an active investigation?</p> <p>4 A You're asking me if I asked another person</p> <p>5 to produce a report? No, that's not something I do --</p> <p>6 under any circumstance. Don't have that kind of</p> <p>7 power.</p> <p>8 Q Did you recommend that he be hired?</p> <p>9 A No.</p> <p>10 Q Is it your practice to rely on information</p> <p>11 from confidential police investigative records?</p> <p>12 MR. DIAL: Object to the form.</p> <p>13 A I'm kind of confused by the questions about</p> <p>14 confidential -- like, that's not -- I relied on -- you</p> <p>15 know, for this one piece of information, on existing</p> <p>16 experts' reports. So I don't know that -- that I</p> <p>17 consider that to be confidential.</p> <p>18 Q Well, sir, I've raised concerns with the</p> <p>19 lawyers representing Wingate in this case that</p> <p>20 Detective Belknap's report references, relies upon,</p> <p>21 discusses, and concerns active law enforcement</p> <p>22 investigations and confidential investigative files</p> <p>23 not open to the public, in the possession of APD.</p> <p>24 Depending on whether the parties are able to work</p> <p>25 through those concerns, the court may need to get</p>	<p style="text-align: right;">Page 45</p> <p>1 Belknap's report for anything in his report, or his</p> <p>2 opinions.</p> <p>3 MR. DIAL: And I take your point, Jad.</p> <p>4 BY MR. BOUCHARD:</p> <p>5 Q And Mr. Vellani, I'll ask you on certain</p> <p>6 points, is there other information or is there another</p> <p>7 source for your opinion here? And of course, you'll</p> <p>8 be free to state that for the record. But do you</p> <p>9 understand what I've said about -- please don't go</p> <p>10 into Detective Belknap's report, at least in this</p> <p>11 deposition and your reliance upon it?</p> <p>12 A So --</p> <p>13 MR. DIAL: I mean, if he needs to, he</p> <p>14 can, I mean, because -- very likely that that</p> <p>15 report -- there's nothing wrong with it, and it -- I</p> <p>16 mean, I just feel like we're going to have an odd</p> <p>17 deposition. I mean, what if the report is deemed to</p> <p>18 be completely fine, which I think it will be, and he</p> <p>19 does rely on it? And I don't know that he's not</p> <p>20 allowed to say that he's relying on the report. I</p> <p>21 guess that's just -- I'm confused how this is going to</p> <p>22 ultimately play out.</p> <p>23 MR. BOUCHARD: Well, we don't have to</p> <p>24 talk about it in the abstract. We can just go forward</p> <p>25 and do this in practice.</p>

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<p style="text-align: right;">Page 46</p> <p>1 BY MR. BOUCHARD:</p> <p>2 Q As I've said, if you tell me, Mr. Vellani,</p> <p>3 that you relied on it, that's fine. I'm not saying</p> <p>4 don't tell me that you relied on it. I'm just saying</p> <p>5 I don't want you to go into the information in the</p> <p>6 report because I can't examine you about it without</p> <p>7 the underlying files that APD has said are</p> <p>8 confidential. So I --</p> <p>9 A Can I -- can I throw something in here, if</p> <p>10 you don't mind? I mean, just -- let's just be clear</p> <p>11 about what I relied on. Number one, I know it's</p> <p>12 gang-related because of the police report. And it</p> <p>13 appears to be gang-related --</p> <p>14 Q Mr. Vellani, I have not asked you a</p> <p>15 question, so let me proceed with the deposition. I</p> <p>16 was stating what I was stating for the record. Jad</p> <p>17 responded. Let me continue with the deposition, and</p> <p>18 I'm sure you'll have an opportunity to -- in response</p> <p>19 to questions that I ask --</p> <p>20 A Sure.</p> <p>21 Q -- you'll have an opportunity to provide</p> <p>22 whatever information you'd like to provide.</p> <p>23 A Sure.</p> <p>24 Q My understanding also, sir, is that</p> <p>25 according to Detective Belknap's report, he references</p>	<p style="text-align: right;">Page 48</p> <p>1 backgrounds, or some of them having a known criminal</p> <p>2 background at that point in time. It is possible that</p> <p>3 they could have been dispersed. But we -- I have no</p> <p>4 idea how long they were on the property. I have no</p> <p>5 idea how long they're standing right there.</p> <p>6 I mean, by -- by one -- the only time I've</p> <p>7 got a time metric on this is -- and I wish I could</p> <p>8 tell you who it was. But he was -- he came out his</p> <p>9 apartment. He was going to the Amoco -- or came out</p> <p>10 of someone's apartment and was going to the Amoco, and</p> <p>11 stopped and talked to one of his friends, who was one</p> <p>12 of the other guys that were involved.</p> <p>13 Q Okay. So I take if it I asked you other</p> <p>14 questions about whether there was an opportunity to</p> <p>15 notify the food van operator to leave the property, or</p> <p>16 an opportunity for a team monitoring cameras to</p> <p>17 respond to people gathering in the front yard of 639</p> <p>18 Parkway -- if I'm asking you questions about whether</p> <p>19 there was an opportunity to engage in certain activity</p> <p>20 preventatively, I take it your answer would be, "I</p> <p>21 don't know, because I'm not sure how long the</p> <p>22 plaintiffs were out front before the shooting"?</p> <p>23 A Well, no, because you -- you brought up</p> <p>24 three different things that are problematic. Number</p> <p>25 one, the food truck, based on Stephanie Lewis's</p>
<p style="text-align: right;">Page 47</p> <p>1 other shootings, other than the June 30th shooting.</p> <p>2 Do you agree with that?</p> <p>3 A That he does? Yes. I --</p> <p>4 MR. DIAL: So you're going to not to</p> <p>5 rely on the report, but then ask him questions</p> <p>6 specifically about it?</p> <p>7 BY MR. BOUCHARD:</p> <p>8 Q Do you know whether Detective Belknap was</p> <p>9 authorized to provide opinions about those other</p> <p>10 shootings, sir?</p> <p>11 A I don't know anything about this issue that</p> <p>12 you're referring to.</p> <p>13 Q Do you believe that there was an opportunity</p> <p>14 to notify the plaintiffs to disperse on June 30, 2020?</p> <p>15 A I don't know, 'cause I don't know how long</p> <p>16 they were out there. That goes back to what we were</p> <p>17 talking about earlier. If there was off-duty APD at</p> <p>18 Bedford Pines, and those guys were out there for an</p> <p>19 extended period of time, you know, thirty minutes, an</p> <p>20 hour, two hours, whatever, there might have been an</p> <p>21 opportunity.</p> <p>22 There was also a potential opportunity</p> <p>23 because of the boulevard precinct that was located</p> <p>24 nearby, and the on-duty police that were driving by</p> <p>25 may have known those guys because of their criminal</p>	<p style="text-align: right;">Page 49</p> <p>1 testimony, and other testimony, was she was already</p> <p>2 gone at the time of the shooting. So I'm not sure the</p> <p>3 food truck's got a whole lot to do with it. Some of</p> <p>4 these guys were hanging out. One of them was going to</p> <p>5 Amoco, like I said. That was Ricky Phillips, by the</p> <p>6 way, that was going to Amoco, and just stopped to talk</p> <p>7 to Newton on his way out.</p> <p>8 So I don't -- and then your -- your third</p> <p>9 point -- your -- your second point was about</p> <p>10 monitoring cameras. That's not the standard of care.</p> <p>11 Monitoring -- live monitoring of cameras and then</p> <p>12 telling people to disperse if they've only been out in</p> <p>13 a couple -- couple of minutes, or five minutes, or ten</p> <p>14 minutes, or even 30 minutes. I'm not -- that is</p> <p>15 certainly not something that is standard practice.</p> <p>16 Q Do you know whether there was an opportunity</p> <p>17 for security to patrol past 639 Parkway and see the</p> <p>18 plaintiffs and/or the food van before the incident</p> <p>19 occurred?</p> <p>20 A Okay, so you're conflating two things;</p> <p>21 right? You're saying the -- the food truck. The food</p> <p>22 truck was out there for an extended period of time.</p> <p>23 Is it possible that if APD was on -- on the job, that</p> <p>24 they could have seen it? It's possible.</p> <p>25 I'm not sure they would have done anything</p>

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<p style="text-align: right;">Page 50</p> <p>1 about that, though, because that's technically -- you 2 know, it's -- it's a house rule. It's not a law 3 enforcement issue, and it's not really a easy security 4 issue to deal with. So I'm not sure that that issue 5 in and of itself in a vacuum gets resolved. But 6 again, the truck was already gone at the time of the 7 shooting.</p> <p>8 The second issue about the guys hanging out, 9 I don't know that we have a great idea of how long 10 they were out there. So in other words, were they out 11 there sufficiently long enough to be able to respond 12 and move them off the property? I don't know that. 13 Nobody knows that. I mean, it's speculative.</p> <p>14 Q On page 5 of Plaintiff's Exhibit 1 -- is the 15 report still up on the screen, sir?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. Is it helpful for me to share my 18 screen, or are you looking at your own copy?</p> <p>19 A I'm looking at my own. It's just easier for 20 me to do that so I can see you.</p> <p>21 Q Understood. I'll stop sharing the screen, 22 then. So I was going to ask you, on page 5, it refers 23 to number 13, "Belknap Timeline of Shootings." And 24 then on page 7, it talks about "Expert Report of 25 Detective Mark A. Belknap" as item number 55. Is the</p>	<p style="text-align: right;">Page 52</p> <p>1 Q Where were they?</p> <p>2 A I actually didn't ask.</p> <p>3 Q Well, wat time of day did it occur?</p> <p>4 A I -- I don't recall. Let me -- if you want 5 me to look at my calendar, I could.</p> <p>6 Q No, that's okay. Do you know how long it 7 lasted?</p> <p>8 A Probably around two hours. It might have 9 been a little bit more because there was two of them. 10 Usually those type of interviews take about two hours. 11 But you know, some have taken an hour; some have taken 12 three hours. But I typically will block two hours for 13 that kind of an interview.</p> <p>14 Q Did anybody other than Sophia Hawk and Kelly 15 Young participate in this first interview that we're 16 talking about? Any other Wingate staff or employees?</p> <p>17 A No, I would have definitely pointed that 18 out. No. The only other person that may have been on 19 the phone -- probably was on the phone was 20 Ms. Woodrick.</p> <p>21 Q Is the information that you learned through 22 that interview contained in your expert report in 23 these five cases?</p> <p>24 A Yes, sir.</p> <p>25 Q Is there any information that you learned in</p>
<p style="text-align: right;">Page 51</p> <p>1 timeline of shootings something different than the 2 report, or is it the same thing?</p> <p>3 A Same thing.</p> <p>4 Q Okay. Just confirming that. On page 7 of 5 your report, you say that you interviewed Kelly Young, 6 Sophia Hawk, and Carol Cooley.</p> <p>7 A Yes, sir.</p> <p>8 Q I wanted to ask you about that, sir. Where 9 did you interview Kelly Young?</p> <p>10 A I interviewed -- so if I remember correctly, 11 Kelly Young and Sophia Hawk were at the same day, same 12 time, same meeting. So that was via phone and/or -- 13 you know, when I do interviews, I don't do video, 14 so -- they may have been on video; I don't remember. 15 But that would have been via videoconference, and I 16 would have been on audio. And then Carol Cooley was 17 separate, on a separate day. Same -- same scenario.</p> <p>18 Q Okay. So just to make sure I'm following 19 you, were Kelly Young and Sophia Hawk interviewed at 20 the same time?</p> <p>21 A Yes, sir.</p> <p>22 Q Okay. And it was by phone?</p> <p>23 A It was -- yeah, it was video phone.</p> <p>24 Q Were you in Texas at the time?</p> <p>25 A Yes, sir.</p>	<p style="text-align: right;">Page 53</p> <p>1 that interview that's not in your expert report?</p> <p>2 A No, sir. I incorporated everything into the 3 report.</p> <p>4 Q Did you learn anything in that interview 5 that's inconsistent or different than Ms. Young's 6 deposition testimony?</p> <p>7 A That's a great question. I'm not able to 8 answer that 'cause I don't think I went back and 9 looked at the -- you know, the interview versus the 10 deposition and tried to align that. So I don't 11 actually know the answer to that.</p> <p>12 Q Do you know if there was anything new that 13 you learned that wasn't in deposition testimony?</p> <p>14 A There was a lot new. I mean, if you look 15 at -- if you look at the -- if you look at where those 16 interviews are footnoted in my report, you know, 17 there's quite a -- quite a number of topics that, as I 18 recall, are not addressed in the depositions at all.</p> <p>19 Q So I think this is clear from prior 20 questions, but you don't have an independent set of 21 notes from these interviews. Your notes are 22 incorporated into this report?</p> <p>23 A Correct.</p> <p>24 Q Tell me about, if you would, sir, what did 25 you learn as to when Sophia Hawk began working at</p>

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<p style="text-align: right;">Page 54</p> <p>1 Bedford Pines?</p> <p>2 A I don't remember the -- I -- I don't even</p> <p>3 know if I remember asking her that question. I mean,</p> <p>4 she was not the property manager at the time of the</p> <p>5 incident. I know that. And I think she -- you know,</p> <p>6 they all -- one of them was relatively new. It might</p> <p>7 have been Carol Cooley. But I don't have -- I don't</p> <p>8 have, like, notes on that, or, like, how long they had</p> <p>9 been there or anything.</p> <p>10 Q Do you know what Sophia Hawks' role was as</p> <p>11 of June 2020 at Bedford Pines?</p> <p>12 A Yes, sir. It's -- it's noted on page 7.</p> <p>13 She was the administrative assistant.</p> <p>14 Q So she, fair to say, was not in a security</p> <p>15 management related role at the property --</p> <p>16 A Correct.</p> <p>17 Q -- during the time of incident?</p> <p>18 A Correct.</p> <p>19 Q What about the Carol Cooley interview, sir?</p> <p>20 Where did that occur? Also by telephone?</p> <p>21 A Yeah, same -- same story. I mean, video.</p> <p>22 Everything is set up, you know, on -- with a video</p> <p>23 link. People can call in, or they can video in.</p> <p>24 Q Approximately two hours?</p> <p>25 A No, no. That one was fairly short because,</p>	<p style="text-align: right;">Page 56</p> <p>1 the deposition. So that was what I asked for was</p> <p>2 somebody with knowledge of, you know, Bedford Pines in</p> <p>3 2020, and Ms. Young was the obvious -- was an obvious</p> <p>4 choice. And I guess they brought Ms. Hawk on because</p> <p>5 she was the current manager.</p> <p>6 And that's not unusual. There's -- you</p> <p>7 know, as you probably know, there's high turnover in</p> <p>8 property management in general. So oftentimes, I'm</p> <p>9 unfortunately interviewing new property managers that</p> <p>10 weren't property managers, weren't even associated</p> <p>11 with the property back then. In this case, Ms. Hawk</p> <p>12 obviously was associated with the property.</p> <p>13 Q Did you ask to interview Alanna Robinson?</p> <p>14 A Again, I didn't ask to speak to specific</p> <p>15 individuals. I asked to speak to people that could</p> <p>16 address my questions. And I gave kind of a laundry</p> <p>17 list of, you know, "Here are the topics I want to</p> <p>18 cover." You know, "Get me on the phone with somebody</p> <p>19 that can answer my questions."</p> <p>20 Q You know Alanna Robinson was the property</p> <p>21 manager at the time of the incident?</p> <p>22 A Yes, sir.</p> <p>23 Q Do you think it would have been helpful to</p> <p>24 talk to her?</p> <p>25 A Well, there wasn't a question, as I recall,</p>
<p style="text-align: right;">Page 55</p> <p>1 you know, she had only been on -- at the time of the</p> <p>2 incident, she'd only been in place for, like, three</p> <p>3 months, if I recall correctly. And I was trying to</p> <p>4 narrow her down in terms of time frame to just that</p> <p>5 three-month period. Like, I wasn't trying to learn</p> <p>6 about stuff that happened after the incident. So that</p> <p>7 was -- and it was a very focused interview.</p> <p>8 Q So given what you just said, can you explain</p> <p>9 to me why you wanted to talk to Sophia Hawk if she was</p> <p>10 an administrative assistant during the relevant time</p> <p>11 period? In other words, what information would she</p> <p>12 have had that would have been helpful to you about the</p> <p>13 relevant time period?</p> <p>14 A So I didn't ask specifically to speak to</p> <p>15 her. I don't -- as I recall, she didn't answer most</p> <p>16 of the questions. I think Ms. Young did. What I</p> <p>17 asked for is -- I need to flesh out the security</p> <p>18 program; right? And no offense to attorneys, but</p> <p>19 y'all don't know security that well, you know, and you</p> <p>20 focus on gates, guns, and guards, and I want to focus</p> <p>21 on the totality of the security program.</p> <p>22 So in order for me to fully appreciate and</p> <p>23 understand the security program and whether the</p> <p>24 standard of care was met, I have to go back and</p> <p>25 backfill all this information that wasn't addressed in</p>	<p style="text-align: right;">Page 57</p> <p>1 that Ms. Young wasn't able to answer. So I mean, it's</p> <p>2 always helpful to talk to people. Any time someone</p> <p>3 tells me to interview six extra people, I'm -- I'm in.</p> <p>4 You know, I've got consulting clients that want me to</p> <p>5 interview 12 doctors about workplace violence and I'll</p> <p>6 do it, because you can always learn something.</p> <p>7 There's always some nugget in there. So I'm always</p> <p>8 happy to talk to anyone.</p> <p>9 Q Are your notes from your Carol Cooley</p> <p>10 interview incorporated into your report?</p> <p>11 A Yes, sir. I think it was just that one</p> <p>12 paragraph.</p> <p>13 Q What did you learn from Ms. Cooley?</p> <p>14 A So -- well, I mean, I was intrigued, to be</p> <p>15 honest with you, with the -- with the concept of -- of</p> <p>16 her -- you know, her -- her job title. I was</p> <p>17 intrigued by that because, you know, when I do</p> <p>18 consulting work in -- in housing, I'm always looking</p> <p>19 for what works at one apartment complex, and can I</p> <p>20 deploy that idea at another apartment complex?</p> <p>21 So I was -- it's like -- I'll give you --</p> <p>22 I'll give you a very easy example. In healthcare,</p> <p>23 there -- there's a big problem with workplace</p> <p>24 violence. Some hospitals will have a workplace</p> <p>25 violence coordinator. It's a fascinating idea, and</p>

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<p style="text-align: right;">Page 58</p> <p>1 I've actually seen where it's effective.</p> <p>2 So when I heard property activity</p> <p>3 coordinator, I'm like, "Okay, what does that person</p> <p>4 do?" And then they kind of alluded to it during that</p> <p>5 initial interview, and I'm like, "I want to talk to</p> <p>6 her"; right? Because that's -- that's a really</p> <p>7 fascinating concept, right, that -- that they would</p> <p>8 have that.</p> <p>9 They seemingly invented it, you know, on</p> <p>10 their own. They didn't hear about some other property</p> <p>11 that was doing it and implemented it here. They saw a</p> <p>12 need for it. They figured out how to deal with that</p> <p>13 need. I love the idea. I mean, I can almost assure</p> <p>14 you that I will and have already made this</p> <p>15 recommendation to some of my housing clients, you</p> <p>16 know, that are -- that are big enough to want it, to</p> <p>17 have somebody that focuses on these kinds of issues.</p> <p>18 So what did I learn, to answer your</p> <p>19 question? Ultimately, that her role was to be --</p> <p>20 in -- in essence, it's an intelligence position;</p> <p>21 right? It's kind of like the CompStat program that I</p> <p>22 alluded to in my report. So CompStat is a very</p> <p>23 famous, very effective program that New York PD</p> <p>24 deployed back in the late '90s, if I remember</p> <p>25 correctly. And they've done many studies on it, and</p>	<p style="text-align: right;">Page 60</p> <p>1 scattered apartment complex before she became the</p> <p>2 property activity coordinator?</p> <p>3 A In fairness, I don't -- I don't recall</p> <p>4 asking that question. I would be surprised if she</p> <p>5 did. It's a -- it's -- like I said, it's a -- it's a</p> <p>6 title and a position that was created, that I've never</p> <p>7 seen before. So I don't know what kind of training</p> <p>8 one would get for a position that was brand new;</p> <p>9 right?</p> <p>10 Like, they couldn't steal a job description</p> <p>11 and a training program from another property and go,</p> <p>12 "Oh, hey, let's use this idea." They literally</p> <p>13 created this from the ground up, and it's a brilliant</p> <p>14 idea.</p> <p>15 Q Did you conduct a site inspection in this</p> <p>16 case?</p> <p>17 A I did not.</p> <p>18 Q Have you ever visited Bedford Pines?</p> <p>19 A No, sir.</p> <p>20 Q Why did you not conduct a site inspection?</p> <p>21 A Well, primarily because, you know, it's a</p> <p>22 scattered site. There's no access control measures to</p> <p>23 look at. The buildings -- the biggest reason is</p> <p>24 obvious; right? The buildings don't exist. You know,</p> <p>25 there's been so much change there. If you look at the</p>
<p style="text-align: right;">Page 59</p> <p>1 shows that its effective.</p> <p>2 She, in essence, is the CompStat coordinator</p> <p>3 for Bedford Pines. So she's doing the data analysis.</p> <p>4 She's looking for the trespass people in the police</p> <p>5 report. She's looking for bad actors listed in police</p> <p>6 reports. She's trying to figure out if they're living</p> <p>7 on the property, if they're non-authorized residents.</p> <p>8 She's going on -- doing the lease violations. And I</p> <p>9 think that's what I really like about what she's</p> <p>10 doing.</p> <p>11 She then also did -- started in 2020. I</p> <p>12 don't know the exact date. She didn't know the exact</p> <p>13 date. She started doing building meetings where she</p> <p>14 would gather, you know, the residents of the building</p> <p>15 outside in the courtyard or wherever it was and have a</p> <p>16 conversation about security and crime and stuff like</p> <p>17 that. But in fairness, she said, and as I said in my</p> <p>18 report, that didn't start in earnest until 2021.</p> <p>19 Q What role was Ms. Cooley in before she</p> <p>20 became the property activity coordinator?</p> <p>21 A That's a great question. I don't remember.</p> <p>22 She was there, if I remember correctly. But I don't</p> <p>23 remember what her title was before that.</p> <p>24 Q Do you know if she had any training or</p> <p>25 experience assisting with management of security at a</p>	<p style="text-align: right;">Page 61</p> <p>1 front of my report, I referred to the back -- in the</p> <p>2 background section.</p> <p>3 I mean, I've never seen -- I'm sure it's</p> <p>4 happened, but I can't think of an instance where one</p> <p>5 property goes from 434 units to 733 units, and then</p> <p>6 drops back down to 557 units, and it's probably less</p> <p>7 than that today based on the demolition of some</p> <p>8 buildings. So there's nothing to look at that would</p> <p>9 be of any value. It'd be lovely to say I did and just</p> <p>10 check the box so we don't have this discussion. But</p> <p>11 in reality, there's nothing to look at.</p> <p>12 Q On page 8 of your report, Plaintiff's</p> <p>13 Exhibit 1, you say in the background section that</p> <p>14 the -- first paragraph, page 8, second to last</p> <p>15 sentence, "The occupancy rate in 2020 was</p> <p>16 approximately 75 percent." Do you see that?</p> <p>17 A Yes, sir.</p> <p>18 Q Does that mean 25 percent of the units were</p> <p>19 not occupied?</p> <p>20 A Well, there were 25 percent that were --</p> <p>21 it's not like -- this is not a -- this is not a</p> <p>22 typical situation. This is a -- this is a property</p> <p>23 that is intentionally -- they're moving people out of</p> <p>24 places to -- to change the units, rehab the units, or</p> <p>25 in this case, demolish buildings. So it does not mean</p>

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<p style="text-align: right;">Page 62</p> <p>1 25 percent of the available units were unoccupied. It 2 means, out of the total number that were available, 3 557, 75 percent were occupied. 4 The other 25 were probably a mix of -- you 5 know, "We ain't allowing more people to move into 6 these places until we do our rehab," or they were, 7 like, traditionally unoccupied, meaning, you know, 8 we've got an apartment available for rent. But from 9 what I recall in the testimony, they have a waiting 10 list to get in this place. So you know, probably -- 11 these, you know, traditionally unoccupied units were 12 probably not unoccupied for long. 13 Q So is it your understanding, then -- I'm not 14 sure I followed your answer entirely -- that 25 15 percent of the units were not occupied as of 2020? 16 A Yeah. So -- yeah. But for -- but for one 17 of two reasons. This is not traditional occupancy 18 issues where it's a good unit that we just haven't 19 figured out how to rent it out yet. These were -- 20 some of these units -- and I don't know what the 21 percentage was, but I imagine the majority of it -- 22 were unoccupied because of rehabs, or fire damage, or, 23 "We're going to tear this building down." You don't 24 have a waiting list on an apartment complex and 25 maintain 25 percent occupancy -- unoccupancy.</p>	<p style="text-align: right;">Page 64</p> <p>1 2020? 2 A Well, yeah. I mean, as far as -- and part 3 of the problem with my answer here is that some of 4 this information is based on their -- some of their 5 arrests after the fact. I can't remember which ones 6 they are, but some of them had, you know, gang and 7 murder indictments. They were -- that was -- well, 8 you know, it was discussed in the -- in the 9 depositions on some -- in some cases. 10 Some of them had been indicted and had 11 connections to gang activity based on stuff that 12 happened after the fact. Kenneth Long, for example, 13 admitted in the deposition that he was a Crip. And 14 you know, in 2013, another one of them -- I can't 15 remember which one -- admitted that he had been in -- 16 part of two gangs -- or -- and I say "part of," 17 meaning either membership or affiliation; right? 18 So that is the risky behavior; right? 19 That's the risky behavior is affiliating with gangs, 20 or being part of a gang. So the answer is, to the 21 extent that the evidence shows that one or more of 22 them was affiliated with a gang, then the answer is 23 yes. 24 Q Okay. And I think I asked you earlier for 25 your explanation of the differences between -- or the</p>
<p style="text-align: right;">Page 63</p> <p>1 Q Do you know that to be true, that there was 2 a waiting list, and that they had 25 percent of their 3 units were not occupied? 4 A Yeah, I know -- I know that from the 5 deposition and from the interview. So the -- from -- 6 the first part of the question was from depositions, 7 that they had a waiting list. And then the second 8 part was from the interview, the 75 percent. 9 Q But as to the 25 percent, the status of 10 those non-occupied units, do you know why they were 11 not occupied? 12 A Yeah, based on what they told me. They gave 13 me several reasons why they were unoccupied. It 14 wasn't for want of residents. It was primarily 15 because they were in rehab status, or they were trying 16 to demolish the buildings. 17 Q Sir, I want to look at page 9 of your 18 report. And you talk about -- "Empirical research has 19 identified gang affiliation as a risky behavior. 20 Criminology studies provide evidence that gang members 21 participate in risky behaviors at a substantially 22 higher rate." Do you see that? 23 A Yes. 24 Q Is it your opinion that the plaintiffs were 25 engaging in risky behavior on the night of June 30,</p>	<p style="text-align: right;">Page 65</p> <p>1 similarity between the terms "associated with," 2 "affiliated with," or a "member of a gang." And I 3 understood your answer to essentially be, "There are 4 differences, but I don't think they're material in 5 this case." 6 A Well, they're not material to the research; 7 okay? They're not -- they're not material to the 8 research that we looked at -- that Christina and I 9 looked at. The people that were hanging out with 10 gangs were just as at risk as the people that were 11 actually in the gangs. So for the research purposes, 12 there's no material distinction. But is there a real 13 distinction in the real world? Yes. 14 Q Right. And so I'm asking you, what is your 15 understanding and definition of the term "associate 16 with" a gang? 17 A Well, I'm not using the word "associate." 18 You -- you keep saying "associate." I'm not using 19 that word. I'm using the word "affiliate." 20 Q Okay. Well, tell me what your definition, 21 then, is of the term "gang affiliate." 22 A So that is a person who hangs out -- and 23 again, I'm going based on the research; okay? I'm not 24 giving you -- definition. I'm going based on my 25 understanding of the research, and it talks about</p>

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<p style="text-align: right;">Page 66</p> <p>1 people that are hanging out with gang members; at 2 times, committing crimes with the gang members. But 3 do they have all the signs that indicate that they are 4 an actual gang member according to law enforcement, or 5 they admit it? The answer is no. 6 In other words, they very well may be a gang 7 member, but they either, A, haven't admitted it, or B, 8 don't have those telltale signs that gang task force 9 officers are looking for. But for my purposes, it 10 makes no difference, just so you know. I mean, I -- 11 I'm not -- I don't care if they're gang members or 12 just affiliated with gangs. Doesn't matter. 13 Q Well -- and you said, sir, I think, that, 14 you know, "I'm using the term 'associate.' You've not 15 used that term." But the sentence above where I was 16 reading from uses the word "associated with." 17 A Well, yeah, but that was based on -- that 18 was based on -- that one word was based on, you know, 19 Detective Belknap's report. 20 Q Okay. So your opinion, as I understand 21 it -- tell me if I'm wrong -- is that there's a 22 difference between the terms "affiliate with," 23 "associate with," and "be a member of"; fair? 24 A No. The word "associated with" was -- is 25 common parlance. There's no -- there's no magic</p>	<p style="text-align: right;">Page 68</p> <p>1 your question is I don't. But I have a hard time 2 believing that shooting back at a moving car when you 3 don't know what's beyond your target -- I can't -- I 4 have a hard time believing that's not a crime. 5 Q That's not an opinion you intend to provide, 6 I take it? 7 A Well, I mean, I'm going to look it up, I 8 guess, and -- and confirm that. But again, I mean, 9 you know, I'm -- I am a firearms instructor, and first 10 rule is know your target and beyond. Maybe that's the 11 second rule. But know your target and beyond. And 12 you can't be shooting at moving cars. And this is 13 a -- this is a very population-dense area. You can't 14 be shooting at moving cars. So there must be a crime 15 associated with that, but I'm not a DA. 16 Q And you don't know what Georgia law says on 17 that point? 18 A Not specifically, but I will look it up. 19 But I'm still not a DA as to whether charges would be 20 accepted on such a thing. 21 Q Have you reviewed the photos of the contents 22 of Marcus Sims' backpack that he had with him when he 23 was shot? 24 A I don't have a specific recollection of it. 25 I mean, I think you've got my file. If it's in there,</p>
<p style="text-align: right;">Page 67</p> <p>1 behind that word. Its common Merriam-Webster 2 dictionary definition is the way I used it there. 3 "Affiliation" was an intentional choice when Christina 4 and I wrote that paper. 5 Q Do you have an understanding of whether the 6 plaintiffs have been charged with a crime for their 7 conduct on June 30, 2020? 8 A No. 9 Q You don't have an understanding? 10 A Correct. Yeah. I don't -- I don't -- I 11 have not heard anything about them being charged with 12 a crime for that day. 13 Q Do you have an opinion about whether they 14 were committing a criminal offense that night? 15 A Well, the one who admitted shooting back -- 16 I would imagine that would be considered a criminal 17 offense. I don't know if more than one of them shot 18 back. Apparently, the testimony shows that there were 19 multiple people shooting back. But I don't know if it 20 was one of these five guys. Only one of them admitted 21 returning fire. 22 Q But I take it you don't know what Georgia's 23 self-defense laws say if you're being fired upon; is 24 that fair? 25 A I would imagine that -- I -- the answer to</p>	<p style="text-align: right;">Page 69</p> <p>1 I reviewed it. But I certainly don't have a specific 2 recollection of it. 3 Q You're not aware of what he had on him when 4 he was shot, or with him when he was shot? 5 A No, nothing comes to mind right now, sir. 6 Q On page 9, you talk about the routine 7 activity theory. 8 A Yes, sir. 9 Q Do you believe the routine activity theory 10 is a true and valid theory? 11 A Believe it or not, I looked this up, like, 12 three days ago. There are 2.8 million hits on Google 13 Scholar for routine activity theory. It is referenced 14 in 9 of the 27 bibliography items -- entries in the 15 forensic methodology. Routine activity theory is one 16 of three seminal theories that establishes the body of 17 knowledge called environmental criminology, or crime 18 science. It's a valid theory until proven otherwise. 19 I've seen no -- no evidence that it's not a valid 20 theory. 21 But I'm not using routine activity theory to 22 draw any conclusions about this case. I only 23 mentioned routine activity theory as the basis for the 24 problem analysis triangle, which is a framework for 25 understanding crime and crime prevention. So I'm not</p>

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<p style="text-align: right;">Page 70</p> <p>1 relying on routine activity theory, other than</p> <p>2 basically saying it results in the problem analysis</p> <p>3 triangle.</p> <p>4 Q In the problem analysis triangle, you</p> <p>5 reference -- or the routine activity theory</p> <p>6 references, as depicted in your report, a guardian.</p> <p>7 Can you explain what that means?</p> <p>8 A It -- it means that you probably don't roll</p> <p>9 into Bedford Pines with your Rolex on. That's --</p> <p>10 that's a guardian. That's self-guardianship. It</p> <p>11 means Ms. Woodrick doesn't roll over to the gas</p> <p>12 station, keep her windows down, pumps gas with her</p> <p>13 Louis Vuitton sitting on the passenger seat. That's</p> <p>14 self-guardianship. It means, when I leave town, I</p> <p>15 call my neighbor, Jim, and say, "Hey, Jim, I'm leaving</p> <p>16 town. Can you keep an eye on the house?"</p> <p>17 It also means that we take care of our</p> <p>18 family. It means we take care of our friends. And</p> <p>19 then we take -- so we've got bystanders that take care</p> <p>20 of us. They call the police if something's going on.</p> <p>21 And then ultimately, formal guardianship is typically</p> <p>22 what would be considered a security officer or a</p> <p>23 police officer.</p> <p>24 Q When you say "manager," or when the routine</p> <p>25 activity triangle on page 10 depicts a manager, what</p>	<p style="text-align: right;">Page 72</p> <p>1 A Yeah. I was just going to ask, whenever --</p> <p>2 I'm not in a rush, but whenever you get to it, like,</p> <p>3 an eight, ten minutes' break.</p> <p>4 MR. BOUCHARD: Oh, we can take one now.</p> <p>5 THE WITNESS: Are you sure?</p> <p>6 MR. BOUCHARD: Yes, sir. Thank you.</p> <p>7 THE WITNESS: Thank you.</p> <p>8 MR. BOUCHARD: Yep.</p> <p>9 THE VIDEOGRAPHER: Please stand by.</p> <p>10 The time is 2:32 p.m. and we are off the record.</p> <p>11 (Off the record.)</p> <p>12 THE VIDEOGRAPHER: The time is</p> <p>13 2:38 p.m. and we are on the record.</p> <p>14 BY MR. BOUCHARD:</p> <p>15 Q Mr. Vellani, looking at Plaintiff's</p> <p>16 Exhibit 1 again, that last paragraph on page 10, it</p> <p>17 starts "Based on all available evidence," and then</p> <p>18 finishes at the bottom -- or at the top of page 11.</p> <p>19 You see that?</p> <p>20 A Yes, sir.</p> <p>21 Q And there are a series of footnotes that</p> <p>22 appear to relate to the statements made in that</p> <p>23 paragraph. Do you agree, sir?</p> <p>24 A Yes, sir.</p> <p>25 Q Footnotes 17 through 27?</p>
<p style="text-align: right;">Page 71</p> <p>1 do you mean by that?</p> <p>2 A Well, a manager's typically the formal</p> <p>3 person, the person that actually has ownership or</p> <p>4 agency to manage the property. So it typically stems</p> <p>5 from ownership. And it may be a designee, such as a</p> <p>6 property manager, such as Wingate. But that -- it is</p> <p>7 basically -- you know, it's exactly what you think it</p> <p>8 is. It's Wingate.</p> <p>9 Q At Bedford Pines, as of June 2020, would you</p> <p>10 say guardians included off-duty Atlanta Police</p> <p>11 Department officers?</p> <p>12 A Guardians would include off-duty police</p> <p>13 officers, on-duty police officers, whoever was in that</p> <p>14 security hub monitoring cameras, whenever they were</p> <p>15 monitoring cameras. I would also argue that it would</p> <p>16 include bystanders. Again, let's draw a distinction</p> <p>17 between the term "guardian" and "formal guardian."</p> <p>18 To answer your question specifically, the</p> <p>19 on-duty and off-duty officers would be considered the</p> <p>20 formal guardians. Bystanders, family, friends,</p> <p>21 management, Plaza, those would be considered</p> <p>22 guardians. And obviously ourselves; right? The --</p> <p>23 the plaintiffs themselves.</p> <p>24 Q On the final -- sorry, were you about to say</p> <p>25 something?</p>	<p style="text-align: right;">Page 73</p> <p>1 A Yes, sir.</p> <p>2 Q Okay. Obviously, as we've discussed,</p> <p>3 footnote 19 is the expert report of Detective Mark A.</p> <p>4 Belknap. You see that?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. Other than Detective Belknap's</p> <p>7 report, what evidence are you relying upon for the</p> <p>8 information set forth in this paragraph?</p> <p>9 A There was -- well, I mean, number one,</p> <p>10 drive-by shootings are typically some kind of</p> <p>11 retaliation of some sort. So -- and most retaliation</p> <p>12 is affiliated with gang activity. Number two, and I</p> <p>13 did not footnote this, and I was remiss in this, the</p> <p>14 police report actually does indicate that this was</p> <p>15 gang-related. To what extent, we don't know, because</p> <p>16 it's not in the small narrative we have.</p> <p>17 And then obviously, there is testimony --</p> <p>18 and I -- you know, who said what, I don't -- I</p> <p>19 couldn't sit here and cite chapter and verse on that.</p> <p>20 But there was clearly discussion throughout the</p> <p>21 depositions about, you know, the prior instances of</p> <p>22 retaliation, and then ending with this one that were</p> <p>23 throughout the depositions, as well as, you know, what</p> <p>24 I -- what I presume Jim Tate learned from the police</p> <p>25 department.</p>

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<p style="text-align: right;">Page 74</p> <p>1 Q When you say the police report says that it 2 was gang-related but that's not in the narrative, what 3 do you mean? 4 A Well, if you go to page -- I believe it's on 5 page 1. Page 1, it's got a code for gang-related 3. 6 That is a positive correlation with gang activity. 7 What 3 means, I don't know exactly. It's -- it's a 8 subcategory of what type of gang relation. 9 Q You site in your footnote here on page 11 to 10 the depositions of Tequilla Phillips, Teshana Boyd, 11 Tiarra Shaneka Grigg, Santeba Seaborn, and Kiarra 12 Roland. Why do you site to those depositions? 13 A Well, I'm -- I'm -- it would have come from, 14 you know, anything to do with the gang stuff. But 15 I -- that's what I'm saying. I can't cite chapter and 16 verse, other than Jim Tate's deposition, and only 17 because I re-read his again this morning. I think 18 this gang activity came up in all those depositions, 19 but it came up in more, because I was reading a couple 20 of -- re-reading a couple of the plaintiff's 21 depositions yesterday, and gang activity came up in 22 there as well. 23 Q So if gang activity did not come up in 24 Tequilla's or Teshana's or Tiarra's or Santeba's or 25 Kiarra's, is it here by mistake?</p>	<p style="text-align: right;">Page 76</p> <p>1 of the person. Like, it has to do with the person. 2 It doesn't have to do with the property. When you 3 think about the typical crime that, you know, we deal 4 with in -- in these kinds of lawsuits, you're 5 typically talking about opportunistic crimes; right? 6 It's the condition of the property that created the 7 opportunity for the crime to occur. 8 In this situation, it's less -- or, you 9 know, has less to do with the property, other than the 10 fact that these guys hang out there, or are 11 unauthorized residents in -- in several cases, you 12 know, and have been -- a couple of them have been 13 trespassed from the property. It has less to do with 14 the condition of the property and more to do with them 15 and the affiliation with the gang activity. 16 So this is what is called victim-targeted 17 violence, not place-targeted violence. In other 18 words, if you think about, you know, the Murrah 19 Federal building in Oklahoma that Timothy McVeigh was 20 involved in, he was targeting the place because it was 21 a federal building. It was a symbol of the -- of the 22 federal government. The people that were involved 23 were not specifically the target. He was just 24 targeting whoever was a government employee in the 25 building; right?</p>
<p style="text-align: right;">Page 75</p> <p>1 A Well, it would have been about, you know, 2 the retaliation. Like, they might have been asked 3 about the prior shooting that Mr. Sims was involved 4 in; right? I mean, I think -- I think it's pretty 5 clear that he was involved with a prior drive-by 6 shooting, based on the evidence we have. So that 7 might have been what came up in this. So it would 8 either go back to gang activity or the retaliation 9 issue, because both of those -- I think those are the 10 two key topics in that paragraph. 11 Q Okay. And if there's nothing about 12 retaliation or gang activity in the cites at 21 to 25, 13 are they thereby a mistake? 14 A I don't know. I would have to see what -- 15 what exactly I was referring to. I'd have to go back 16 and look at those. So I apologize that it's not quote 17 by quote from each person. I mean, if I did that in 18 this case, I'd be -- this report would be 700 pages 19 long. 20 Q You say in this paragraph on page 10 that 21 targeted violence is difficult to anticipate based on 22 the condition of a property. What I wanted to ask you 23 about was that phrase "based on the condition of a 24 property." What does that mean? 25 A So victim-centered violence is a condition</p>	<p style="text-align: right;">Page 77</p> <p>1 In this situation, all the evidence, you 2 know, seems to indicate that it was these guys that 3 were being targeted. I think Jim Tate put it well 4 when he said that, you know, there's a reason why five 5 bullets enter one guy. So it seems to me that it's 6 victim-centered, not place-centered violence. 7 Q Do you have any academic research, 8 evidence-based research, to support your statement 9 that drive-by shootings are typically retaliatory, and 10 most people shot in drive-by shooting are being 11 retaliated against? 12 A Well, I didn't say the second part of it. I 13 only said the first part of that. The first part of 14 that would be based on -- so the -- the biggest 15 problem with the -- with, like, for example, the FBI's 16 uniform crime report, which is a great tool, but does 17 have limitations. It does not show you the subtypes 18 of crimes. It'll show you the complete number of 19 aggravated assaults and murders, but it won't say that 20 they necessarily stemmed from, you know, a drive-by 21 shooting; right? 22 So when I've looked at police reports and 23 I've seen drive-by shootings, there was almost always 24 a gang correlation to it; right? So when you are able 25 to get that granular data -- like, for example, the</p>

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<p>Page 78</p> <p>1 Dallas open data portal will show you that it was a 2 drive-by, and it'll -- it'll show you that it was gang 3 affiliated in most, if not all, the instances. 4 Q What about the second part did you not agree 5 with as it relates to people who are shot in drive-by 6 shootings being retaliated against? Is that not your 7 opinion? 8 A Well, I didn't give that opinion. I mean, 9 I -- I didn't say -- like, I -- I didn't characterize 10 it. I've never looked at that issue. I have to 11 imagine that, in some instances, a drive-by shooting 12 hits and unintended target. 13 Q So you don't have an opinion as to whether 14 or not it's more likely than not that a person shot in 15 a drive-by shooting is the target of the drive-by 16 shooting or the subject of retaliation? 17 A I am not aware of any data that would 18 support that specific situation. I -- I mean, 19 anecdotally, it makes sense to me. But I don't know 20 that I've got data to support that kind of an opinion. 21 Q And it also makes sense to you that innocent 22 bystanders get shot in drive-by shootings? 23 A Sure. Can happen, yes. 24 Q When you say "associated," the last line on 25 page 10, "people associated with them," are you using</p>	<p>Page 80</p> <p>1 Q Right. And so other than Detective 2 Belknap's report, do you have any information that 3 you're relying upon to determine which of the 4 plaintiffs were targeted, or whether all plaintiffs 5 were targeted? 6 A So based on the number of shots that hit 7 Mr. Sims, you know, just based on that physical 8 evidence, it appears that he was the target. Tate 9 says kind of the same thing that I said -- that I'm 10 saying there. And I believe there was other 11 depositions that talked about that, but I couldn't 12 tell you which ones. Tate's the one that comes to 13 mind 'cause I read it this morning. 14 Q Other than there being five bullets in 15 Marcus Sims' body, do you have any basis to believe 16 that he was the target of the June 30, 2020 shooting, 17 setting aside Detective Belknap's report? 18 A Well, I'm trying to determine how to answer 19 this question, 'cause I don't know -- if I only know 20 about the fact that Mr. Sims -- well, I mean, it 21 was -- it was questioned in the deposition -- in the 22 depositions, that Mr. Sims had been targeted in a 23 prior drive-by shooting. So that's the source other 24 than Belknap. 25 Q If somebody is shot in a drive-by shooting</p>
<p>Page 79</p> <p>1 that in the Merriam-Webster's dictionary way, as 2 you've already described previously? 3 A Yeah. It could be people with them; right? 4 I mean, it doesn't even have to be -- like, in this 5 situation, where it's people with, you know, gang 6 backgrounds before or after, and involved in drug 7 dealing before or after. In that case, it could be, 8 like, the guy's with his girlfriend and she ends up 9 getting shot; right? That's what I mean by that. 10 That was more of a general -- general way of looking 11 at it as opposed to the -- specific way. 12 Q Other than Detective Belknap's report, do 13 you have any information that you're relying upon to 14 determine who was targeted -- 15 A Well -- 16 Q -- in the -- 30 shooting? 17 A It is referenced in the other depositions. 18 The one that kind of keeps coming to mind, again, 19 'cause I reviewed it again this morning, was Jim 20 Tate's. You know, apparently he's got pretty strong 21 connections with the police there, and obviously he, 22 you know, works with them every day and gets 23 information from them every day. So it's in that 24 deposition. I thought it was also in other 25 depositions.</p>	<p>Page 81</p> <p>1 in the Old Fourth Ward neighborhood, is that 2 sufficient, knowing nothing more, to conclude that 3 they were, quote, "targeted"? 4 A I mean, I can't answer your question based 5 on that alone, because there's more -- there's so much 6 more evidence in this case where so many people are 7 questioned about this; right? So I don't know how to 8 set aside everything I know from the evidence base in 9 this case. I mean, I can try to set aside Belknap's 10 stuff, but you know, I've only said one thing from 11 Belknap, which is the Rollin' 60 stuff. 12 Q Well -- and I'm not asking you to set 13 everything aside. I was following up on your comment 14 that Mr. Sims had previously been targeted in a 15 drive-by shooting, and I'm asking, if he was shot in a 16 prior drive-by shooting in 2019 in the Old Fourth Ward 17 neighborhood, is that a sufficient basis for you to 18 conclude that he was the target of a drive-by 19 shooting? 20 A Not -- not that alone. Not that alone. But 21 you know, there is this concept in criminology called 22 repeat victimization, and it goes back to that 23 guardianship concept where there is a reason why 24 somebody is repeatedly victimized; right? There's a 25 reason why, when you are affiliated with gangs or a</p>

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<p style="text-align: right;">Page 82</p> <p>1 gang member, that you have this high rate of violent 2 victimization. 3 And again, it has less to do with the 4 property and more to do with your risky behaviors, 5 your lifestyle. So the theory is -- it's called 6 lifestyle theory. You know, you were not likely to be 7 targeted in a gang drive-by shooting because of your 8 lifestyle. Other people are more likely to be 9 targeted because of their lifestyle. 10 Q On page 12, you talk about crime prevention, 11 and you say "Even with a very high relative risk of 12 crime, it's possible for security measures to be 13 adequate and reasonable." And it looks like you're 14 quoting an article by Lawrence Sherman. Do you see 15 that? 16 A Yes, sir. 17 Q Have you conducted an analysis of crime data 18 and crime history at Bedford Pines? 19 A No. I was not asked to. 20 Q That is not something you intend to provide 21 an opinion about? 22 A No, sir. 23 Q You have not conducted any analysis as to 24 similarity, frequency, recency, or proximity of prior 25 crimes?</p>	<p style="text-align: right;">Page 84</p> <p>1 foreseeability. I think -- let's cut to the chase on 2 this one. If Bedford Pines knew specifically about 3 the potential for a drive-by on this night targeting 4 these guys, you know, it is possible, I guess, they 5 could have done something to address them. 6 But without some kind of notice, right, 7 direct, specific imminent harm type of notice, I don't 8 know how you could possibly prevent something like 9 this. I also don't really know whether a crime that 10 is committed from the public street where they have 11 zero control and armed security and unarmed security 12 would have no authority on the public street -- I'm 13 not sure -- other than installing bullet-resistant 14 barriers, you know, just inside the sidewalk, could do 15 anything to prevent something like this. I mean, this 16 is a pretty unique crime. 17 Q But you haven't done any crime data analysis 18 in this case to determine how unique, or whether it 19 had happened before? 20 A No. I mean, I think, through the deposition 21 testimony, there had been other drive-bys. Even -- 22 even Tate talked about that. But no, I did not do a 23 crime analysis in this case. 24 Q On page 12, at the bottom, it says "The 25 security program at Bedford Pines used all three</p>
<p style="text-align: right;">Page 83</p> <p>1 A No, sir. I was not asked to do that. I 2 understand there's other experts involved, and I don't 3 know what their roles are. 4 Q And when I use those terms, "similarity," 5 "frequency," "recency," and "proximity," you're 6 familiar with those being methods and focuses of 7 analysis when you're looking at crime data? 8 A Yes, sir. 9 Q And you did not do that here; correct? 10 A Correct. 11 Q I take it, then, you don't have an opinion 12 about the criminal history and crime data at Bedford 13 Pines preceding June 30, 2020? 14 A No, I don't have -- I don't -- just in broad 15 terms, I don't have a foreseeability opinion in this 16 case. 17 Q You do not have an opinion as to whether or 18 not the June 30, 2020 shooting was foreseeable? 19 A Correct. 20 Q Does foreseeability relate to 21 preventability? 22 MR. DIAL: Object to the form. 23 A I think it can. Again, if -- if you're 24 talking about an opportunistic crime, then, you know, 25 that's harder to -- to deal with without</p>	<p style="text-align: right;">Page 85</p> <p>1 elements: governance, security personnel, and 2 physical security." You see that? 3 A Yes, sir. 4 Q You agree with me that it did not use all 5 three elements at all times; correct? 6 A Correct. 7 Q Bedford Pines did not have security 8 personnel working 24/7 at the property. 9 A Correct. 10 Q It did not have security personnel working 11 at the property overnight, every night. 12 A Correct. 13 Q On page 13 in the governance section, the 14 last sentence, first paragraph says "These are good 15 practices." And you use that language at other points 16 in your report, and I wanted to ask you by what you 17 mean by "good practices." 18 A Well, it's to avoid getting into a fight 19 over what's a best practice. That's what it is. I 20 mean, I'm saying that these are -- these are practices 21 that I know to have some effect on crime and are good 22 crime prevention practices. But I'm not willing to 23 sit there and go "best practice," and then get into a 24 fight over where is that written; right? 25 A On page 13 in the second paragraph, you say,</p>

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<p style="text-align: right;">Page 86</p> <p>1 in the second sentence of the second paragraph, 2 "However, informal security risk assessments were 3 completed, which resulted in a written security plan 4 and the ongoing retention of a security consulting 5 firm." What do you consider a security plan to be for 6 an apartment complex like Bedford Pines? 7 A So here's -- here's the dilemma, and -- and 8 I'm going to jump ahead, if you ever want to ask me 9 about, you know, my rebuttal testimony. This term -- 10 these -- these two terms that keep coming up in -- in 11 Mr. Ahmed's report and deposition -- and I didn't -- I 12 didn't know he was involved, I don't think, at the 13 time of when I wrote this report. But this -- these 14 are things that are typically thrown out there. The 15 first term is security vulnerability assessment, and 16 the second term is security plan. 17 I know what a security vulnerability 18 assessment is. I don't think that's the correct term. 19 I think it's actually security risk assessment, where 20 you're evaluating both threats and vulnerabilities. 21 And if you look at the IAPSC forensic methodology, 22 which is an appendix to my report, it talks about what 23 the difference is, and that's -- that's important to 24 understand. 25 But the genesis of this term "security</p>	<p style="text-align: right;">Page 88</p> <p>1 common, but getting the data from the police 2 department's kind of unique. Most -- most apartment 3 complexes don't do that. The second component is the 4 ongoing vulnerability assessment. Like, if you look 5 at what -- I think it was Ron Teachey who -- who 6 identified, like, what he considered high activity 7 areas, and -- and Tate's testimony about the police 8 officers focusing on high traffic areas. That's the 9 ongoing vulnerability assessment; right? 10 And going after and thinking about, like, 11 how do we evaluate security? How do we get more 12 cameras? How do we give access to the police 13 department? How do we fund the foundation cameras? 14 You know, that's all part of the vulnerability 15 assessment where you're looking at where our weakness 16 is, and how do we, you know, block those weaknesses, 17 fix those weaknesses. That's the vulnerability 18 assessment. 19 So they clearly were doing informal -- and 20 "informal" is a terrible word in this case, because 21 it's -- it's so obvious what they're doing from an 22 assessment perspective that it is really quite formal. 23 I said "informal" 'cause there's not one document. 24 It's a living process that they're engaging in. And 25 then the written security plan, you know, I -- again,</p>
<p style="text-align: right;">Page 87</p> <p>1 vulnerability assessment," that's throughout the 2 industry, but it's ultimately comes back to what 3 some -- you know, a bunch of yahoos wrote in NFPA 730. 4 That's where most people use that term from. The 5 second term, security plan, is also from an NFPA 730, 6 and that's fairly unique to NFPA 730. 7 So I've got to tell you, in 30 some-odd 8 years of doing this, I've never seen anything called 9 "security plan." Like, I've never seen a document 10 from a client, including some very sophisticated 11 clients, that said security plan; right? What I can 12 tell you in this case is the fact that they had a 13 security firm that was ultimately serving in a 14 consulting managerial capacity indicates the ongoing 15 nature of assessing the risk. 16 And it's not just Plaza; right? They have 17 the property activity coordinator. Now, granted, she 18 had only been on for, like, two or three months before 19 the incident. But they clearly had this track record 20 of constantly evaluating threats, because they're 21 getting the data from APD. They've got the internal 22 reporting. And then they were also getting reports 23 from Plaza. 24 That's the ongoing threat assessment 25 component, which -- two of those things are fairly</p>	<p style="text-align: right;">Page 89</p> <p>1 it's just not really a thing. 2 You know, I don't even -- I don't even ask 3 clients typically for that. The only time I ever ask 4 for a plan is, like, their workplace violence 5 prevention plan, because that's a term of art in the 6 healthcare industry. But that's not -- a plan is not 7 something I've ever asked for from a client 'cause 8 it's not a thing that exists; right? 9 Q Do you agree, Mr. Vellani, that APD was not 10 managing Bedford Pines? 11 A Correct. 12 Q Wingate was; right? 13 A Yes, sir. 14 Q And APD was not responsible for security on 15 Bedford Pines; right? 16 A Well, I don't know -- I mean, they -- they 17 certainly didn't have a role in terms of, like, 18 writing policies, or, you know, doing lease evictions, 19 or doing criminal background investigations. They 20 didn't have a role in that part. But they certainly 21 had a very active role in terms of filling the 22 positions that were there. So they have that role, 23 yes. I mean, they had a dedicated person. They have 24 the coordinator, Vayens, or Varens, whatever his name 25 is.</p>

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<p style="text-align: right;">Page 90</p> <p>1 Q In your last sentence in this middle 2 paragraph on page 13, where you say "The security 3 program as documented in this report and the evidence 4 in this matter clearly demonstrate a security risk 5 assessment was conducted and reevaluated on an ongoing 6 basis." I think you said this a moment ago, but just 7 to confirm, you're not saying that the security risk 8 assessment that you're saying was conducted and 9 reevaluated on an ongoing basis was memorialized 10 somewhere, are you? 11 A It -- it is memorialized in various parts of 12 the evidence; right? But it's not like -- like, I'll 13 give you an example. When I get retained to go do 14 an -- a security risk assessment, it is typically 15 memorialized in a single document; okay? It -- there 16 may be attachments to it. There may be links to other 17 documents. There may be an Excel spreadsheet 18 associated with it. But it's typically -- typically, 19 not always. Sometimes want verbal reports. But 20 typically, it's memorialized in a single document. 21 You wouldn't do that if you're, like, 22 ongoing engaged on the property; right? Like, I 23 wouldn't -- like, I've got another apartment project 24 going on right now that's huge, and I'm not producing 25 anything in writing that would constitute a risk</p>	<p style="text-align: right;">Page 92</p> <p>1 or not there was somebody at Wingate who was 2 overseeing the security risk assessment that you're 3 saying was being conducted and reevaluated on an 4 ongoing basis? 5 A Well, I would imagine the buck stops at the 6 property manager, or maybe a regional property 7 manager. But on an ongoing basis, it's -- it's the 8 Plaza security team. But I don't know that -- you 9 know, again, you'd have to watch it in real time. I 10 imagine APD's also reporting directly to management, 11 not going through Plaza. 12 Q Do you have an opinion about whether these 13 ongoing security risk assessments, as you're opining, 14 show that Bedford Pines needed nighttime security 15 personnel on the property? 16 A Well, I know that they wanted nighttime 17 security personnel. I mean, that's what -- that's 18 what I wrote in my report, I think, a couple of pages 19 later. Give me one second. I mean, on page 23, it 20 says "Wingate, one of the majority of off-duty police 21 officers working at Bedford -- at Bedford Pines at 22 night." 23 Q Yeah. My question is whether or not you 24 have an opinion based on what you're saying were 25 reevaluated ongoing security risk assessments. Do you</p>
<p style="text-align: right;">Page 91</p> <p>1 assessment. So I don't know that they have a written 2 single document that tells you, you know, A to Z, 3 everything regarding the security program. But it 4 is -- it is strewn throughout emails, meeting minutes, 5 and activity. 6 But that's the difference there is that they 7 have an ongoing consultant, you know, the management 8 team there, the -- the Plaza guys, out there doing 9 this. If they had hired me or Groussman or Ahmed, I'm 10 assuming they got a -- would have gotten a 11 one-and-done report. 12 Q So when you, using the passive voice there, 13 say "The security risk assessment was conducted and 14 reevaluated on an ongoing basis," who was conducting 15 it and reevaluating it on an ongoing basis? 16 A So that's also a complicated answer, right, 17 because there were so many people involved in it. You 18 have the APD coordinator. You have the -- the APD 19 officers. You have Tate and his team, Kiernan. You 20 know, Kiernan and Tate. You -- and then three months 21 before, you've got the property activity coordinator, 22 and of course you've got management involved. So this 23 is like a all hands on deck approach as opposed to, 24 "Oh, here's our one yahoo with the CPP," right? 25 Q Do you have an understanding as to whether</p>	<p style="text-align: right;">Page 93</p> <p>1 have an opinion based on the documents that you've 2 reviewed, the information you've reviewed, whether 3 Wingate needed nighttime security personnel at Bedford 4 Pines? 5 A No. I mean, I don't know if that 6 evaluation's correct. Like, I could -- could I look 7 at data, or have I looked at data to validate that 8 need or that want? No. I mean, I've looked at other 9 data that supports -- well, in -- you know, if you -- 10 if you look at APD crime stats, for example -- if you 11 look at FBI crime states for Atlanta and see the crime 12 trend in 2020 -- I mean, I know we all feel -- I know 13 we all feel that crime has gone up in Atlanta, and it 14 did in 2021 and 2022. 15 But Atlanta crime was, like, at its bottom. 16 It was in a valley. It, like, went -- right in 2020. 17 And Atlanta had been trending down for, like, six 18 years at that point. But you know, to say night, day, 19 I don't know. I have not looked at data that says one 20 way or the other. 21 Q You don't have an opinion about whether or 22 not Wingate should have had nighttime security at 23 Bedford Pines in June 2020? 24 A I'm only saying that they wanted it. I 25 don't know whether they needed it at night or not.</p>

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<p style="text-align: right;">Page 94</p> <p>1 Q Do you have an opinion as to whether or not</p> <p>2 Wingate should have been notifying Bedford Pines</p> <p>3 residents in writing about crime occurring on or</p> <p>4 around the property?</p> <p>5 A So there's no -- there's no standard which</p> <p>6 requires crime notifications, to my understanding, and</p> <p>7 this is an issue I've dealt with a lot. There's --</p> <p>8 there's a couple of problems with this; right? Number</p> <p>9 is that, you know, do a sufficient amount of crimes</p> <p>10 come to your attention that you can actually send out</p> <p>11 notices? Are you living in an area where residents</p> <p>12 actually know about the crimes before management does,</p> <p>13 which seems like the case here.</p> <p>14 Number three, how do you deal with a</p> <p>15 situation where a -- somebody reports a crime, but</p> <p>16 you've got no further information to prove it up, and</p> <p>17 then do you just send out a notice without validating</p> <p>18 the crime occurred; right? So this is one of those</p> <p>19 types of areas where it seems like the residents knew</p> <p>20 as much or more than management.</p> <p>21 And that's not necessarily a bad thing;</p> <p>22 right? I mean, anybody can turn on the ten o'clock</p> <p>23 news. Anybody, you know, in close proximity to a</p> <p>24 shooting would hear the gunfire. You know, anybody</p> <p>25 could see the car up on blocks if they're in that</p>	<p style="text-align: right;">Page 96</p> <p>1 until 2021, but it was happening in 2020.</p> <p>2 Q Did any such meetings occur before June 30,</p> <p>3 2020?</p> <p>4 A I don't know. She started -- she started</p> <p>5 her role, you know, three months before. But I</p> <p>6 don't -- I -- you know, I don't have evidence showing,</p> <p>7 yes, it occurred in, you know, March of 2020, or April</p> <p>8 of 2020.</p> <p>9 Q Okay. Do you know how she notified</p> <p>10 residents of these meetings?</p> <p>11 A I don't. I think it was -- I mean, it</p> <p>12 seemed -- you know, it seemed -- like, in a typical</p> <p>13 garden style apartment complex, you typically see a</p> <p>14 notice going out, "Hey, we're having" -- you know, a</p> <p>15 month in advance, "We're having a, you know, crime</p> <p>16 prevention meeting," or something. In this case, it</p> <p>17 seemed more like going to each individual building</p> <p>18 because of the layout of the property.</p> <p>19 Q But you don't know if she would have sent</p> <p>20 emails out notifying residents of such a meeting?</p> <p>21 A No, I don't -- and I don't -- I mean, the --</p> <p>22 the takeaway I got -- and I don't want to overstate</p> <p>23 this. The takeaway I got from her is she would gather</p> <p>24 up the residents of a building and kind of have a</p> <p>25 conversation, like, in the courtyard. That was kind</p>
<p style="text-align: right;">Page 95</p> <p>1 area; right?</p> <p>2 So I don't know that this a situation where</p> <p>3 I'd be that critical of Wingate not sending out formal</p> <p>4 notices for -- you know, 'cause you're just being</p> <p>5 redundant at this point; right? And I don't know how</p> <p>6 you validate all of that crime.</p> <p>7 Q Your opinion is that it would be redundant</p> <p>8 for Wingate to notify residents in writing of crime</p> <p>9 occurring on or near the scattered apartment complex</p> <p>10 that spans several city blocks?</p> <p>11 A So it's redundant in -- it's redundant in</p> <p>12 the sense that if you look at the testimony of the</p> <p>13 residents -- okay, I'm not talking about the</p> <p>14 plaintiffs. I'm talking about the residents. But</p> <p>15 even the plaintiffs; right? I mean, everybody seemed</p> <p>16 to acknowledge that they were aware of crime in the</p> <p>17 area.</p> <p>18 So I'm not sure what, you know, sending out</p> <p>19 a notice that, "Hey, we had three catalytic converter</p> <p>20 thefts last week," I don't know how that does anybody</p> <p>21 any good. But what I can tell you is that the</p> <p>22 property activity coordinator, Carol Cooley, did tell</p> <p>23 me, and it's in my report, that she was doing these</p> <p>24 building meetings where they were talking about crime.</p> <p>25 Now, in fairness, that didn't start up in earnest</p>	<p style="text-align: right;">Page 97</p> <p>1 of the takeaway that I had after speaking with her.</p> <p>2 Q Do you have an opinion as to whether or not</p> <p>3 Wingate should have had staff working at the property</p> <p>4 at nighttime?</p> <p>5 A Well, I mean, it would be outside the</p> <p>6 standard of care; right? I mean, every apartment</p> <p>7 complex that I know of has got, you know, no staff on</p> <p>8 duty that -- that is employed by the management</p> <p>9 company or owners. They may have staff that lives on</p> <p>10 property. They may have, like, maintenance guys that</p> <p>11 are on call. But they're not on duty.</p> <p>12 So it would be, you know, well above the</p> <p>13 standard of care to -- to do such a thing. But you</p> <p>14 know, they've got a property activity coordinator.</p> <p>15 That's above the standard of care as well.</p> <p>16 Q Do you have an opinion on that, or no?</p> <p>17 A Well, I have an opinion that that would not</p> <p>18 be normal. But you know, it's not really an opinion I</p> <p>19 had in my report.</p> <p>20 Q Do you have an opinion as to whether Wingate</p> <p>21 should enforce house rules at Bedford Pines?</p> <p>22 A Of course they should.</p> <p>23 Q Both during the day and at night?</p> <p>24 A Well, you can't enforce it at night. The</p> <p>25 idea behind the house rules is, if it comes to your</p>

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<p style="text-align: right;">Page 98</p> <p>1 attention, you would -- you would deal with it; right?</p> <p>2 If you find out that, you know, Betty Sue in apartment</p> <p>3 123 has got loiters hanging out in her breezeway, and</p> <p>4 every time security comes by, they run in the</p> <p>5 apartment, you call Betty Sue in for a meeting into</p> <p>6 the management office and say, "Hey, you've got these,</p> <p>7 you know, loiterers that are hanging out in the</p> <p>8 breezeway. You're not allowed to do that. Here's a</p> <p>9 lease violation. Two more times and you're out." I</p> <p>10 mean, that's how you deal with it.</p> <p>11 Q So you're saying you can't enforce them at</p> <p>12 night?</p> <p>13 A Well, it's not that you can't enforce them</p> <p>14 at night. It's just that that wouldn't be the routine</p> <p>15 practice; right? I mean, house rules are designed --</p> <p>16 you know, people are people. They're going to break</p> <p>17 the rules, and you've just got to notify them, you</p> <p>18 know, when it comes to your attention that they've</p> <p>19 broken the rule and they need to get their act</p> <p>20 together.</p> <p>21 You know, some of the -- the bad apartment</p> <p>22 complexes that I've worked at in the rough areas, not</p> <p>23 that different from Bedford Pines, you know, the --</p> <p>24 the property manager and I and a police officer would</p> <p>25 routinely call people into the apartment management</p>	<p style="text-align: right;">Page 100</p> <p>1 know, like, recent felonies, for example, or recent</p> <p>2 violent felonies, for example, is because they're</p> <p>3 likely to continue to commit the crimes; right?</p> <p>4 So if you think about what was happening</p> <p>5 here -- and -- and I don't want to be rude and crude</p> <p>6 about all this, but there were so many violations</p> <p>7 occurring by the residents where -- you know, they</p> <p>8 were living as unauthorized residents. They were --</p> <p>9 they were, you know, technically in violation of the</p> <p>10 guest policy. They were unauthorized residents, which</p> <p>11 is really, really hard for a property manager to prove</p> <p>12 and identify. I did address that in -- in my report.</p> <p>13 But the idea here is you have bad actors who</p> <p>14 were not supposed to be on the property, definitely</p> <p>15 not supposed to be living on the property, living on</p> <p>16 the property. And again, it goes back to the</p> <p>17 condition of the people, not the condition of the</p> <p>18 property.</p> <p>19 Q What evidence are you relying upon that any</p> <p>20 of the five were living on the property without</p> <p>21 authority?</p> <p>22 A One of them, Ricky Phillips, he was staying</p> <p>23 with his baby mama on and off for five years. He</p> <p>24 said -- he testified that he stayed for -- for a year</p> <p>25 once. So these are -- as I understand it -- and I</p>
<p style="text-align: right;">Page 99</p> <p>1 office and say, "Hey, look, we understand that there's</p> <p>2 drug dealing going on in your apartment, you know.</p> <p>3 You need to stop it. You need to kick whoever's out</p> <p>4 that's doing it, or we're going to evict you, and</p> <p>5 you're going to have a hard time getting another</p> <p>6 apartment."</p> <p>7 So it's not like something that you</p> <p>8 necessarily can deal with on the spot. It's something</p> <p>9 that sometimes is dealt with a day or two or three</p> <p>10 later.</p> <p>11 Q On pages 14 to 16 of your report, there's a</p> <p>12 section about potential issue in rental housing</p> <p>13 relating to leasing units to people with criminal</p> <p>14 backgrounds.</p> <p>15 A Yes, sir.</p> <p>16 Q What is the relevance of these pages 14, 15,</p> <p>17 and 16?</p> <p>18 A Well, it's a great question; okay? And this</p> <p>19 is -- we have a -- we have a research project going on</p> <p>20 right now, me and three other consultants and a -- and a</p> <p>21 PhD researcher at Rice University, looking at these</p> <p>22 issues of operational security. One of the biggest</p> <p>23 issues and the reason that most apartments or -- or</p> <p>24 any housing don't -- or -- or do conduct criminal</p> <p>25 background check and don't rent to people with, you</p>	<p style="text-align: right;">Page 101</p> <p>1 don't know want to get into an area that I don't -- am</p> <p>2 not an expert in; okay? But they're getting</p> <p>3 subsidies, and the subsidies are based on the income</p> <p>4 of the resident, and it's not based on the</p> <p>5 unauthorized resident.</p> <p>6 So now you basically, you know, are giving</p> <p>7 someone the subsidy, even though they've got people</p> <p>8 that should not be on the property living with them.</p> <p>9 So Ricky Phillips is one example. I think there were</p> <p>10 a couple of others where they were there on the</p> <p>11 property sufficiently long enough to be considered not</p> <p>12 a guest, but now a, you know, unauthorized resident.</p> <p>13 Q I'm talking about as of June 30th when the</p> <p>14 subject incident occurred. You don't have any</p> <p>15 evidence about that occurring as of the subject</p> <p>16 incident; is that correct?</p> <p>17 A No, but I believe -- I mean, Ricky Phillips</p> <p>18 was talking about staying with his girlfriend on and</p> <p>19 off for the five years prior to him moving, I guess,</p> <p>20 properly on the property in 2021.</p> <p>21 Q You'll defer to whatever Ricky Phillips'</p> <p>22 deposition testimony says or doesn't say, I take it?</p> <p>23 A Oh, of course. Yeah, of course.</p> <p>24 Q On page 16 of Plaintiff's Exhibit 1, I guess</p> <p>25 the third paragraph that starts "Trespassing on</p>

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<p style="text-align: right;">Page 102</p> <p>1 Bedford Pines property was addressed by" -- do you see 2 that? 3 A Yes, sir. 4 Q Okay. When you say it was addressed by APD 5 officers, do you mean on duty, off duty, or both? 6 A I meant both. 7 Q But either way, if it was to be addressed by 8 APD officers, it was only going to be addressed when 9 they were actually physically present; you agree? 10 A Well, I mean, there's the boulevard precinct 11 down the road; right? So there would be police 12 officers in the area, and there obviously were police 13 officers in the area. I mean, you know, I don't know 14 exactly where the police officers were at the time of 15 the shooting, or when the last time, you know, the 16 on-duty guys rolled by the area of the shooting. 17 But APD didn't go down to zero during COVID 18 and during the riots, so there would have been on-duty 19 police officers, just obviously in a -- in a much 20 lower level than prior to 2020. So I don't know when 21 the last time they rolled by and could have seen 22 trespassers. 23 Q On page 16, same page, you say in the middle 24 of the paragraph that "In response to loitering, 25 Bedford Pines staff and or the security team would</p>	<p style="text-align: right;">Page 104</p> <p>1 Q Is that the same way of saying what you said 2 in the prior sentence, or is that something different? 3 A Well, again, it -- it's -- the problem is, 4 like, there is no great loitering statute that I've 5 seen for the state. I've seen them for some of the 6 cities in -- in Georgia, but not -- not Atlanta, and 7 not the state. So yeah, "hanging out" is another way 8 of saying, you know, you don't have any real business 9 being here; right? 10 Q What's your understanding of how residents 11 would be discouraged from hanging out? 12 A Well, they had rules. They had signs. And 13 as I recall the testimony, when they were seen doing 14 it, they would be dispersed. 15 Q Are you aware of Wingate providing any 16 written warnings to residents or guests about not 17 loitering or not congregating? 18 A No. I haven't look at the lease files. The 19 problem with your question is it would require looking 20 in every lease file to find those lease violations, 21 and that's not something that's simple to do at 22 apartments. 23 Q Obviously you wouldn't expect a guest to 24 have reviewed house rules; right? 25 A Correct. Well, but they would see the sign.</p>
<p style="text-align: right;">Page 103</p> <p>1 disperse the loiterers." You see that? 2 A Yes, sir. 3 Q Who are you saying would do that when you 4 say Bedford Pines staff and/or the security team? 5 A Well, there were several management people 6 that testified to it, and then earlier in the report, 7 I defined the security team as being, at minimum, 8 Plaza and APD, but there were obviously others 9 involved. 10 Q Who addressed loitering when Bedford Pines 11 staff and/or the security team were not there? 12 A Well, at that point, there wouldn't be 13 anyone, 'cause, you know, again, as far as -- as far 14 as I understand -- and I've looked up Georgia's 15 loitering statute so many times at this point, and Jim 16 Tate testified to it, too. There's not really a 17 loitering statute of any worth in Georgia. 18 And I'm not -- and I've not seen once 19 specifically for the city of Atlanta. So I don't 20 think the police would do it. It would have to be 21 somebody that was -- you know, had agency for Wingate. 22 Q It says residents were discouraged from 23 hanging out outside the residential units for long 24 periods of time. 25 A Yes, sir.</p>	<p style="text-align: right;">Page 105</p> <p>1 If it's on specifically loitering, then it's -- the 2 signs were there. 3 Q And so if there's a food van parked at 645 4 Parkway selling food and drinks and playing music, and 5 there are chairs in front of 639, as Stephanie Lewis 6 testified, how would that impact the effectiveness of 7 a no loitering sign, in your estimation as a security 8 consultant? 9 MR. DIAL: Object to the form. 10 A Well, I mean, this Ms. Lewis, as I 11 understand it, was a former resident. So at some 12 point, she had seen the rules; right? Ostensibly. If 13 it's like, you know, all of us who have been handed an 14 employee manual and signed off on it and never read 15 it; right? But there's signs there; right? So she at 16 least knows that loitering's prohibited. 17 How would it -- how would that affect -- 18 what was -- and I'm sorry, I went off on a little 19 tangent there. What was your question again? 20 Q You were saying the guests would know of the 21 no loitering sign. They would be able to see it, even 22 if they weren't familiar with the house rules. And I 23 was saying, well, Stephanie Lewis testified that she 24 had a food van parked in the parking lot playing 25 music, selling food and drinks, and that there were</p>

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<p style="text-align: right;">Page 106</p> <p>1 chairs set up in the common area in front of 639 2 Parkway. 3 So I'm saying, how would that impact, in 4 your estimation as a security consultant, the 5 effectiveness of a no loitering sign? 6 A It's a wonderful question. I don't know 7 that I've got a great answer right now, 'cause I've 8 not given that any consideration. I don't know that 9 she would consider it loitering, because again, the 10 loitering statute is so vague, you know. I mean, it's 11 not like -- I don't know. I -- I sense that, like, 12 for example, in states where there is a very clear 13 loitering statute, it's more widely understood as to 14 what loitering is and is not. 15 But in Georgia, because of the absence of 16 a -- of a really good statute -- I mean, think about 17 what it says. And I'm -- and I'm Googling this. 18 16-11-36 states that a person commits the offense of 19 loitering or prowling when he is in a place or time or 20 in a manner not usual for law abiding citizens under 21 circumstances that warrant a justifiable reason and 22 circumstances that warrant a justifiable and 23 reasonable alarm or immediate concern for safety of 24 persons or property in the vicinity. 25 I mean, what about -- what is it about a</p>	<p style="text-align: right;">Page 108</p> <p>1 that I don't know how a food truck and people talking 2 and hanging out outside would fall under 16-11-36; 3 right? 4 I don't understand how that could 5 possibly -- you know, I don't know any reasonable DA, 6 let's put it that way, that would take such a charge 7 of loitering; right? I don't know any DAs, by the 8 way. But if I did -- 9 Q May be best to keep it that way. 10 A Probably. 11 Q All right. On page 16 in that last 12 sentence, the middle paragraph, it says if there was a 13 subject selling food and drinks out of a truck and 14 people came to purchase them, that would be 15 considering loitering and/or trespassing. Is that 16 your opinion, or are you referencing there what Kelly 17 Young and/or Sophia Hawk and/or Cynthia Bianco -- 18 A Yeah, I don't have any opinions in this -- 19 in this -- unless it's after a footnote, like, "These 20 are good practices," then I don't have any opinions 21 here; right? So no, that came from them. 22 Q Okay. Do you have an opinion about whether 23 or not the food van, the food truck, being in the 24 parking lot at 6:45 prior to the shooting on June 30, 25 2020 is a relevant issue?</p>
<p style="text-align: right;">Page 107</p> <p>1 food truck that would cause a justifiable and 2 reasonable alarm or immediate concern for the safety 3 of persons or property in the vicinity? I've got a 4 food truck place, like, half a mile up from me. I've 5 never once thought, "Oh my God, I -- I should be 6 alarmed by this"; right? 7 So I think that's the problem with -- with 8 the Georgia statute on -- on loitering. It's never 9 made any sense to me. 10 Q If, as a security consultant, you had 11 concern about security risks in a particular area, 12 then people gathering or congregating outside in that 13 area around, for example, a food van or a food truck 14 could be a concern to you; you agree? 15 A No. I mean, this is -- this is June 2020. 16 This is, like, COVID. People are supposed to be 17 outside. You know, think about what happened in LA. 18 Think about what happened in -- in Atlanta. Think 19 about what happened in New York. All the restaurant 20 seating got pushed outside and spread apart. 21 I mean, it was pretty routine during that 22 time frame, you know, for -- regardless of whether 23 you're in a red state or blue state, it was pretty 24 routine in that time frame to be, you know, eating 25 outside and congregating outside. What I'm saying is</p>	<p style="text-align: right;">Page 109</p> <p>1 A I -- I don't see how it's a relevant issue 2 for a couple of reasons. Number one, not all of the 3 guys that were involved in this, the five plaintiffs, 4 were there because of the food truck. Some of them -- 5 one of them had already gotten food and, you know, 6 delivered it back to the apartment. One of them was 7 on his way to the gas station. 8 Secondly, the food truck was gone. And 9 thirdly, you know, whether we like it or not, we were 10 overcome by circumstances of 2020; right? I mean, we 11 suffered through what we suffered through, and things 12 kind of had to adapt to meet the needs of this virus; 13 right? So you know, there were different things going 14 on during that time frame. 15 I mean, you know, just -- I know you don't 16 want me -- you don't seem to want me to talk about 17 Mr. Ahmed's opinion, but you know, I've got evidence, 18 clear and convincing evidence, that it wasn't just 19 police departments that were suffering a shortfall in 20 staff. Security companies were suffering the same 21 thing. 22 You know, the notion of, "Oh, well can just 23 backfill with, you know, off-duty police" -- I mean, 24 off-duty -- excuse me, "on-duty security officers to 25 fill the gaps created by the shortage of APD," you</p>

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<p style="text-align: right;">Page 110</p> <p>1 know, there's no evidence that that would even be 2 possible. 3 Yeah, the courthouse can get filled. I 4 mean, they're paying a high rate. It's a long-term 5 contract. It's an established contract, you know. My 6 ability to staff -- like, I had an apartment complex 7 that was tiny compared to Bedford Pines, and it was 8 not a scattered site. But I was trying to fill a 9 contract for one of my clients in April, all the way 10 to November of 2020, and was completely unable to fill 11 that contract with security officers during any hours, 12 no matter the number of hours I needed, or even just a 13 warm body. 14 There were not security officers to be had 15 in some places, on some types of properties, at 16 certain rates during this time frame. I'm not saying 17 no one could get a security officer. But I could 18 definitely see challenges here that even trying to 19 backfill with security officers during that time would 20 be an extraordinary challenge, no different than the 21 situation with the APD stuff. 22 Q Where was the apartment complex that you 23 were referencing that you had difficulty finding 24 private security for? 25 A That one was in Bryan, Texas.</p>	<p style="text-align: right;">Page 112</p> <p>1 with -- with an RFP is to ensure everybody's bidding 2 on apples to apples. The worst thing for me to do is 3 get a cold call from a client that's trying to hire 4 security consultants and they don't have an RFP, 5 because I'm not going to be the cheapest guy, but I'm 6 going to provide you with the most stuff; right? 7 So I like RFPs, and I've written many, many 8 specifications on security forces. Like, literally 9 the specification that goes into the -- you know, into 10 the RFP. So the client then just attaches their terms 11 and conditions, and off it goes. 12 Q And I take it you agree that you've not seen 13 any evidence in this case that Wingate did an RFP at 14 any point prior to June 30, 2020 for private security? 15 A No. I know they hired a private security 16 company that I think lasted like five days or 17 something. 18 Q But as it relates to using the RFP process 19 to look for private security at Bedford Pines, do you 20 have any information that Wingate used the RFP 21 process? 22 A No. That would be -- I mean, again, that 23 would be extraordinarily rare. That's what I'm 24 saying. My -- 95 percent of my work -- even my work, 25 hiring a consultant, is not through an RFP. That's --</p>
<p style="text-align: right;">Page 111</p> <p>1 Q Any familiarity with apartment complexes in 2 Atlanta, Georgia, in 2020 looking for private 3 security, being unable to find it? 4 A I mean, I've read in other cases of this 5 challenge, but not through direct consulting, 6 non-litigation experience. But you know, I've had a 7 number of cases that relate to 2020 crimes in Atlanta 8 and have seen testimony about this. But it's not like 9 they called me and said, "Hey, Karim, go find us a 10 security company"; right? 11 So I don't have direct knowledge. I've got 12 indirect knowledge from depositions and stuff from 13 cases that are now popping up from 2020. 14 Q In your experience as a security consultant, 15 when you're asked something like, "Hey, Mr. Vellani, 16 go help us find a security company," do you have any 17 experience using the request for proposal process and 18 soliciting bids from potential security company 19 providers? 20 A Yes, sir. 21 Q Do you find that to be a worthwhile exercise 22 when you're shopping for private security? 23 A I find it to be a worthwhile exercise 24 because I am a very big believer in quality control. 25 And the only way that I can ensure quality controls</p>	<p style="text-align: right;">Page 113</p> <p>1 those are typically governments doing that, or big 2 giant companies that are trying to fulfill, typically, 3 some kind of economically disadvantaged minority type 4 certification. 5 So when I was doing a lot of government 6 contracting, I was dealing with RFPs all the time. 7 But you know, that's not the typical method that 8 people use. Big companies, yes, more so. 9 Q So have I heard you correctly that if there 10 was a food van on June 30 parked in 645 Parkway 11 Drive's parking lot, attracting customers, that would 12 not be relevant to your consideration of the security 13 risks on Bedford Pines's property on June 30, 2020? 14 A It would only be a consideration because 15 management testified -- or not testified, excuse me. 16 Management told me that they would consider that to be 17 loitering. 18 Q That's the only reason it would be relevant 19 to you? 20 A Well, that's the only reason that I can 21 think of. Management doesn't like the idea of it 22 happening. That's the primary reason. But you know, 23 you're also talking about the situation where COVID's 24 going on, and having access to food was, I think, a 25 problem for all of us.</p>

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<p style="text-align: right;">Page 114</p> <p>1 I mean, I've got to imagine it happened to</p> <p>2 you guys, too. I mean, getting in restaurants was --</p> <p>3 was challenging. Getting groceries was challenging.</p> <p>4 Having a food truck roll up in my neighborhood would</p> <p>5 thrill me in June of 2020, even if they want to charge</p> <p>6 \$15 for a hot dog.</p> <p>7 Q You want to take a break?</p> <p>8 A I'm -- I'm good with whatever you guys want.</p> <p>9 MR. BOUCHARD: Okay. Why don't we take</p> <p>10 a quick break? I could use one. Thank you.</p> <p>11 THE VIDEOGRAPHER: Please stand by.</p> <p>12 The time is 3:34 p.m., and we are off the record.</p> <p>13 (Off the record.)</p> <p>14 THE VIDEOGRAPHER: The time is 3:40</p> <p>15 p.m., and we are on the record.</p> <p>16 BY MR. BOUCHARD:</p> <p>17 Q The last thing I wanted to ask you about</p> <p>18 page 16, Mr. Vellani, was, when you're saying things</p> <p>19 like "Bedford Pines staff and/or the security team</p> <p>20 would disperse the loiters," or "Bedford Pines staff</p> <p>21 and/or the security team enforced the parking sticker</p> <p>22 requirement," you're talking about different things</p> <p>23 that the Bedford Pines staff and/or security would do</p> <p>24 on page 16.</p> <p>25 A Yes, sir.</p>	<p style="text-align: right;">Page 116</p> <p>1 being redundant or duplicative. But is it your</p> <p>2 understanding that Ms. Cooley was the first property</p> <p>3 activity coordinator at Bedford Pines?</p> <p>4 A Yep. Yes, sir.</p> <p>5 Q Is it your understanding that she was</p> <p>6 working generally the hours that the leasing office</p> <p>7 would have been working?</p> <p>8 A I did not ask that question, but I had no</p> <p>9 reason to believe that it was anything different than</p> <p>10 that. It's probably, you know, an assumption that I</p> <p>11 probably shouldn't have made, but yeah. I would</p> <p>12 imagine she just worked the same hours.</p> <p>13 Q To your knowledge, she was not working or on</p> <p>14 the property at the time of the shooting on June 30;</p> <p>15 correct?</p> <p>16 A Correct.</p> <p>17 Q Is there a specific person who, to your</p> <p>18 knowledge, Mr. Vellani, was responsible for management</p> <p>19 of security at Bedford Pines within Wingate's team or</p> <p>20 staff as of June 30?</p> <p>21 A I mean, I think I alluded to this earlier.</p> <p>22 I mean, I imagine that the buck stops with the</p> <p>23 property manager or regional property manager; right?</p> <p>24 That's usually where the buck stops when it comes to</p> <p>25 those issues. But in this case, it's hard to pinpoint</p>
<p style="text-align: right;">Page 115</p> <p>1 Q I take it you're talking about things that</p> <p>2 they would do when they were working at the property,</p> <p>3 not when they weren't working at the property; right?</p> <p>4 A Correct. I don't know how dedicated they</p> <p>5 are -- showing up after hours. But yeah, I meant when</p> <p>6 they were on duty.</p> <p>7 Q What is your understanding of what the</p> <p>8 on-duty hours were?</p> <p>9 A I don't know about management, but I imagine</p> <p>10 whatever the leasing office hours were, and then, you</p> <p>11 know, a little bit before and after. But the -- the</p> <p>12 security -- Plaza was eight to four. And then I</p> <p>13 think -- no, I don't think. I know Tate that said he</p> <p>14 came by at night occasionally to check the lights,</p> <p>15 think once a month.</p> <p>16 Q Okay. So is it your understanding that</p> <p>17 unless there was off-duty APD working on a particular</p> <p>18 night or particular portion of the night, there</p> <p>19 wouldn't have been anybody working at the property;</p> <p>20 that fair?</p> <p>21 A I think that's fair, yeah.</p> <p>22 Q On page 17, you talk about the property</p> <p>23 activity coordinator position. Obviously we've talked</p> <p>24 about this a bit already. There are a few things I</p> <p>25 wanted to just go over with you. I'll try to avoid</p>	<p style="text-align: right;">Page 117</p> <p>1 a specific person because they had, you know, a pretty</p> <p>2 specialized area and a big team with different</p> <p>3 specialties; right?</p> <p>4 So I don't know that there is, like, one</p> <p>5 single person that would be called -- you know, "I am</p> <p>6 the security CEO or something," right? But I would</p> <p>7 always say that, in an apartment complex, it's the</p> <p>8 property manager, or their immediate supervisor.</p> <p>9 Q So you're not saying -- and I wanted to be</p> <p>10 clear about this. You're not saying that your</p> <p>11 understanding is that the property activity</p> <p>12 coordinator was the person responsible for managing</p> <p>13 security at Bedford Pines?</p> <p>14 A Yeah, I'm definitely not saying that.</p> <p>15 Q Okay. Just wanted to be clear about that.</p> <p>16 This list -- this bullet-pointed list that you have on</p> <p>17 page 17, Mr. Vellani, does that come from a document</p> <p>18 or from your conversations?</p> <p>19 A No. That's from the document. That's</p> <p>20 the -- that's the property activity coordinator job</p> <p>21 description.</p> <p>22 Q Your understanding is that those were the</p> <p>23 property activity coordinator's responsibilities?</p> <p>24 A Yes, sir.</p> <p>25 Q And you agree with me the list doesn't say</p>

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<p style="text-align: right;">Page 118</p> <p>1 one of the responsibilities is to notify residents and 2 guests of crime on or around the property? 3 A Well, you definitely wouldn't do guests. 4 I've never heard of that. But if you go down to the 5 paragraph below that, it talked about, you know, that 6 she hosted building meetings, which -- which included 7 the security issues and the house rules. And that's 8 where she told me would discuss crime, even though, 9 for some reason, I didn't write that down. Maybe I -- 10 maybe I put that in a different section. But -- yeah. 11 I mean, that's -- it's discussed in the 12 following paragraph when she talks about -- where I 13 break down what the building meetings were. 14 Q So when you talk about the pre-June 30, 2020 15 time period, the time period when I think you've 16 testified you're not sure if there had been any such 17 meetings; is that fair? 18 A Yeah. She said -- what she told me was that 19 they were -- they were occurring in 2020, but they -- 20 they didn't start up really in earnest until 2021. So 21 do I know that any occurred pre-2020? No. You know, 22 2020 -- obviously we still had seven more months, or 23 six more months after the incident where those 24 meetings could have occurred. 25 Q Well -- and I think we can reasonably assume</p>	<p style="text-align: right;">Page 120</p> <p>1 in this case has testified to their awareness of crime 2 in the area. 3 Q You haven't interviewed residents as part of 4 your work in this case; right? 5 A No, sir. 6 Q Obviously, from this list, it doesn't look 7 like the property activity coordinator is responsible 8 for monitoring security cameras at Bedford Pines; 9 right? 10 A Correct. 11 Q To your knowledge, there was nobody 12 performing that job as of June 30; right? 13 A So there has been testimony that in the -- 14 well, I guess what they were calling the hub, or -- 15 they had some word for it. I think it was "hub." The 16 cameras could be monitored. But no, I'm not aware of 17 anybody that was solely responsible for actively 18 monitoring the cameras during any part of the day. 19 That would be very, very unusual at an apartment 20 complex. 21 Q It also doesn't say here that the property 22 activity coordinator is responsible for enforcing the 23 house rules. Do you agree with that? 24 A So I would say no. I don't agree. I don't 25 think that's -- it doesn't say that. That's correct.</p>
<p style="text-align: right;">Page 119</p> <p>1 that if there were email traffic to the residents 2 about a security meeting from prior to June 30, 2020, 3 it probably would have been produced in discovery. 4 But I haven't seen anything like that. I assume 5 you're not aware of anything like that? 6 A Yeah, I'm not aware of anything like that. 7 I'm not aware that they were done by email, though. I 8 mean, I hate to say this, but it's -- I don't know if 9 this came from the discussion, but I almost got the 10 impression that she would go to the building and 11 gather up the residents; right? I mean, these are not 12 huge buildings with a ton of residents in each 13 building. 14 So I got -- I don't know. For some reason, 15 I got -- in my mind's eye, I'm picturing, you know, 16 that she's just gathering up the residents in real 17 time. But I don't -- I don't know if she told me 18 that. 19 Q So as we sit here right now, you don't know 20 whether the property activity coordinator, Carol 21 Cooley, or somebody else at Wingate was notifying 22 residents of crime on or around the property before 23 June 30, 2020? 24 A Correct. I'll go back to what I said 25 earlier. Almost every resident that has been deposed</p>	<p style="text-align: right;">Page 121</p> <p>1 I'll leave it at that, 'cause I don't -- it seems to 2 me that I -- the impression I've got is that everybody 3 that worked there would be responsible for enforcing 4 house rules. 5 Q It wasn't the property activity 6 coordinator's job specifically, in other words? 7 A Yeah. Correct. 8 Q Okay. It also doesn't say that the 9 coordinator's responsible for dispersing loiterers. 10 A Correct. 11 Q Or for overseeing nighttime security at the 12 property. 13 A Correct. 14 Q Or setting hours for security personnel. 15 A Correct. 16 Q And you'd agree with me, Mr. Vellani, I take 17 it, that she's not carrying out her coordinator 18 responsibilities until after she's onboarded, some 19 point in the spring of 2020? 20 A Yes, sir. 21 Q And you don't know how much of what's on 22 your list on page 17 -- if all of it or some part of 23 it she was doing as of June 30, 2020? 24 A Well, my understanding is this was -- well, 25 yeah. I mean, the way you've asked the question,</p>

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<p style="text-align: right;">Page 122</p> <p>1 yeah, I don't know. But I mean, it -- there's -- just 2 to give you an example, I mean, the lease terminations 3 would have been going on well before the position was 4 created. They just moved it under her. That would 5 have been a function that existed beforehand. 6 You know, we have testimony regarding the 7 APD criminal activity and police reports. That was 8 going on well before that was created. So I think 9 this is more like, take all these functions that we're 10 doing and put them under one person. I don't -- I 11 think these activities were largely going on, except 12 for maybe the building meetings, beforehand under, you 13 know, various people. 14 Q On page 21, you reference Plaza as the 15 contracted security consulting firm -- say it made 16 recommendations to Wingate. You see that? 17 A Yes, sir. 18 Q Do you have an opinion as to whether or not 19 Plaza was qualified to fill the role of a contracted 20 security consulting firm for Wingate? 21 A I absolutely do. 22 Q What's your opinion? 23 A I don't know Kiernan's background. I don't 24 think I've got any evidence of Kiernan's background. 25 But Jim Tate, who was at the property 18 to 20 hours a</p>	<p style="text-align: right;">Page 124</p> <p>1 So that's not to say that that's the case 2 all the time. I'm just trying to illustrate one data 3 point; right? A security officer's job is largely 4 observe and report, irrespective of whether they are 5 armed or unarmed. So their job is still to observe 6 the activity, document the activity, call the police 7 if necessary. It doesn't -- just because they're 8 armed does not mean that they automatically intervene. 9 So that said, there are certainly times when 10 I have recommended armed security, and it depends on 11 the nature and frequent -- the nature and type of 12 location. I've worked on facilities like Bedford 13 Pines. There's a place called Hunter's Point in San 14 Francisco where I had a client tell me that -- you 15 know, spending some ungodly amount of money. I didn't 16 believe him. The first thing I did when I got to the 17 office, the leasing office, is tally up the invoices 18 for the past 12 months, and he was right. He was 19 spending an -- an awful lot of money. 20 In that situation, they had eight security 21 officers on duty at any time, and they were, like, 22 walking around with their arms interlocked in a ring, 23 and just walking around like this around the property, 24 and it was the most ridiculous thing I'd ever seen. 25 In that situation, I was certainly in favor of them</p>
<p style="text-align: right;">Page 123</p> <p>1 week or what -- you know, some extended period of 2 time, was most certainly qualified. And I looked at 3 this because your expert, you know, seems to think 4 that only the CPP gets you there. I feel bad for my 5 clients for the four years that I didn't have my CPP 6 and had my business. 7 Q Have you recommended the use of security 8 officers when consulting with apartment complexes as a 9 security consultant? 10 A Yes, sir. 11 Q Armed or unarmed, or both? 12 A That largely depends on the needs of the 13 property. You know, I'm not a fan of armed for myriad 14 liability reasons. And a lot of companies -- and I'll 15 give this to you by way of example, because it's going 16 to sound ludicrous if I just tell you. 17 I was at a facility in Laguna Hills, 18 California, and I was talking to a security officer 19 outside the facility, and I said, "If an employee's 20 getting the crap beat out of them inside the facility, 21 what are you going to do?" And his response -- and he 22 was armed. And his response was, "I'm calling the 23 police." I'm like, "You're not intervening?" "No. 24 We observe and report, you know, even under -- even 25 though we're armed."</p>	<p style="text-align: right;">Page 125</p> <p>1 being armed. That was a very unique facility, you 2 know. But there was a big difference. 3 In California, apparently, or at least in 4 South San Francisco where this occurred, they had the 5 ability to be deputized by the South San Francisco 6 Police Department. I'm not sure what the provision in 7 the law is that allows for that, but it actually gave 8 them police power to act, as long as they called the 9 police right away. 10 So it was a very unique provision in the law 11 that gave them that ability. They don't have that 12 ability in Georgia. I've never heard of that in 13 Texas. Quite frankly, I've never heard about that in 14 any other state. 15 Q When you recommend -- you said that you'd 16 recommended private security to clients before. And I 17 assume, when we're talking about clients, we're 18 talking about apartment complexes; is that fair? 19 A Yes, sir. 20 Q I imagine you've recommended private 21 security for a variety of different reasons that 22 depend on the circumstances and the context. But can 23 you sort of summarize for me, sir, why you would 24 recommend or why you have recommended private security 25 to apartment complexes in the past?</p>

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<p>Page 126</p> <p>1 A So a lot of times, it is based on the 2 particular crime risk at the property. So if they 3 don't have -- you know, like you talked about here at 4 Bedford Pines, if they don't have people overnight, 5 but they've got a curfew that goes in place at 6 10 p.m., you know, the obvious question is, how do you 7 enforce that curfew? 8 So in that situation, there may be a 9 recommendation not have, like, a patrol service that 10 drives by like three times a night, and just kind of 11 clears the property if there's anybody hanging out. 12 They're not dedicated security officers. I'm trying 13 to think of other circumstances in apartments. 14 What I know and what I -- I think I included 15 in my report is that the presence of -- and -- and 16 this is -- this is going to sound crazy as well. 17 The -- in 200 and some odd years since Allan Pinkerton 18 came up with the notion of private police or private 19 security, we have not studied their effectiveness on 20 violent crime except for in two instances, which is 21 crazy to me. Like, what's their -- what's their 22 impact on violent crime? 23 That issue has not been studied other than 24 two times. One of them is a really dumb study that 25 was based on survey data, so it's not a good research</p> <p>Page 127</p> <p>1 design. And the other one was a very modern study 2 with a very good research design. But ultimately, 3 both of those concluded that security officers would 4 not make a difference in terms of violent crime. 5 Like, the mere presence of them is not going to deter 6 a violent criminal. 7 Q Is it your testimony that the likelihood of 8 being caught does not deter crime? 9 A Well, I think the likelihood of being caught 10 by the police -- I mean, that's like criminal justice 11 101; right? I mean, deterrence theory is all based on 12 swift and just punishment. But as we know, swift and 13 just punishment was not a thing pre-COVID, and it's 14 barely a thing now, and it was -- you know, was not a 15 thing during COVID; right? I mean, we had guys that 16 were being released here in Houston by -- by Harris 17 County judges. 18 And I'm not picking a political side, 'cause 19 I don't even know what politics are involved in this. 20 But judges were releasing robbers, armed robbers, onto 21 the streets, and they were committing violent acts. A 22 New Orleans police officer got killed at a very 23 high-end restaurant here in Houston, you know, because 24 there was not only no swift and just punishment, you 25 know, recently, but there definitely wasn't any during</p>	<p>Page 128</p> <p>1 COVID. 2 So I don't think they want to get caught. 3 They're not stupid, you know. I don't think they want 4 to get caught. But the likelihood of getting caught 5 is so slim that, you know, you can pretty much do what 6 you want; right? 7 Q So I'm not sure I follow your answer on the 8 issue of -- is it your testimony that the likelihood 9 of being caught does not deter crime? 10 A No, I do -- I do think the likelihood of -- 11 I'm saying swift and just punishment, if, in reality, 12 that was a thing, that would deter crime, at least 13 according to my, you know, first year criminal justice 14 classes. 15 Q Do you also agree that the likelihood of 16 being caught has been proven by academic research to 17 actually be a more powerful deterrent to committing 18 crime than punishment itself? 19 A I mean, that's -- that resonates with me. 20 But I'm not aware of studies that say that one way or 21 the other. 22 Q You agree that police and security officers 23 can deter crime by increasing the perception that 24 criminals will be caught and punished? 25 A Well, you're saying police and security, so</p> <p>Page 129</p> <p>1 let's back up a second; okay? You have to separate 2 police and security. I think they both have different 3 levels of deterrence. Number two, I can't get inside 4 the mind of any particular criminal to say whether 5 this criminal versus that criminal would be deterred. 6 Number three, when you're talking about 7 deterrence and prevention, you also have to break it 8 down by crime type. The 27 studies that I cited in my 9 report speak directly to the questions you're asking 10 me, and I will summarize those studies by saying that 11 the vast majority of these studies show that police 12 officers do not deter or prevent violent crime. Some 13 studies show a mixed bag of results. 14 For example, one of -- one of the studies 15 talks about how you can reduce non-domestic firearm 16 assaults, but you're not going to have an effect on 17 robbery; right? So both of them are violent crimes, 18 and you're going to have an effect on one, but not the 19 other. 20 And then the last batch of studies -- I 21 think there was, like, five of them, talk about -- 22 that you can reduce violent crime. And the most -- 23 the best study -- the best study that shows an effect 24 shows that you can reduce violent crime by 23 percent, 25 but the only way you can do that is by engaging in</p>
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<p style="text-align: right;">Page 130</p> <p>1 very aggressive stop-and-frisk policing. 2 I don't know if that's legal in Georgia. I 3 know it's not legal in Florida. But you -- if you 4 engage in very aggressive stop-and-frisk policing, you 5 can reduce violence by 23 percent, according to one 6 study. That's the best case scenario. And I don't 7 know how you do stop-and-frisk on dudes driving by in 8 cars. 9 Q So are you saying that the perception that 10 criminals will be caught and punished is a deterrent 11 or is not a deterrent, based on your understanding of 12 the academic literature? 13 A I don't -- I don't really answer questions 14 on deterrence, because that is something that's about 15 the mind of the criminal; right? So I don't really 16 have an answer for this. I mean, my -- the answers 17 that I've given you thus far hearken back to literally 18 my first year of, you know, criminal justice. 19 So I don't really have a professional 20 opinion today as to whether, you know, a criminal 21 would be deterred or not deterred. What I can talk 22 about is prevention, and I can talk about these 23 studies. But I don't really have a deterrence 24 opinion. 25 Q Do you have an opinion as to whether or not</p>	<p style="text-align: right;">Page 132</p> <p>1 security and preventing crime because it's difficult 2 to set up two identical apartment complexes, one with 3 security or police, one without? 4 A I don't agree with that. I think if you 5 look at these 27 studies, the vast majority of them 6 use a very good research design. So it's not that 7 difficult. I mean, you know, what in life that's 8 worth doing is not difficult. It's clearly possible, 9 and that's why you're seeing more and more of these 10 studies nowadays. 11 Q So you don't agree that it's difficult to 12 study and come to conclusive, reliable determinations? 13 A I mean, it's not as easy as making a ham 14 sandwich. I mean, it's not as difficult as solving, 15 you know, a war in the Middle East. It's -- it's 16 somewhere in the middle there. I don't know how to 17 answer your question. I mean, "difficult" is kind of 18 a subjective term. It is clearly possible to do it. 19 Q Have you personally conducted any such 20 studies? 21 A Not that I have published, and not using, 22 like, a randomized control -- well, I mean, I have 23 done randomized control trials for clients, so I guess 24 the answer is yes. But not published, like, in a 25 peer-reviewed journal, 'cause that's not my objective</p>
<p style="text-align: right;">Page 131</p> <p>1 research shows that the use of police and/or security 2 officers as sentinels in crime hot spots is an 3 effective crime prevention strategy? 4 A So that's what I just talked about. So 5 you're saying crime prevention. I'm talking about 6 violent crime prevention. So -- and I don't know what 7 the word -- where the word "sentinel" is coming from. 8 What I'm -- you know, it sounds like you're talking 9 about one study. I'm laying out the 27 studies, and 10 if you want me to give you the details of each one, 11 I'm happy to do that. 12 But these 27 studies, if I remember 13 correctly, about 15 or 16 of them say that uniformed 14 personnel doing foot or vehicle patrols in small areas 15 such as a "hotspot," a block, an apartment complex, 16 are going to have no effect on violent crime. The 17 small -- a second, smaller batch of studies is going 18 to show mixed results. Like, you're going to stop 19 non-domestic firearm assaults, but not robberies. 20 And then the third batch, which is like five 21 or six studies, is going to show, you know, small 22 amounts of impact, the best case being 23 percent, by 23 engaging in stop-and-frisk policing. 24 Q Do you agree with me that it's difficult to 25 study the effectiveness of police and/or private</p>	<p style="text-align: right;">Page 133</p> <p>1 in life. 2 Q Are you aware of any research about the 3 effectiveness of notifications to residents of 4 apartment complexes as it relates to reducing the risk 5 of people, either residents or guests on the premises 6 of the apartment complex, being victimized by crime? 7 A So like I said, we -- me -- me and three 8 other consultants and this researcher from Rice are 9 actively engaged in studying and looking at the 10 research on these issues. I am not personally aware 11 of any studies that look at this, but they all fall 12 under the general category of risk communication; 13 right? 14 So when you're talking about risk 15 communication, it's not about the notices. It's 16 about, what do the people ultimately know -- the 17 residents ultimately know? So if they know about 18 crime because they've been victimized before, or they 19 know about crime because they heard the gunshots, and 20 they know about the crime because they watched the ten 21 o'clock news, that's the point. 22 It's not specifically about the notices. 23 It's about communicating risk. And if they are aware 24 of risk -- and every deposition I read yesterday, they 25 all seem to have an awareness of risk. That's kind of</p>

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<p style="text-align: right;">Page 134</p> <p>1 the point behind that. It's not that -- you know, 2 it's not the notice in and of itself that's a problem. 3 It's communicating that risk. 4 Q So is it your opinion that if a resident of 5 Bedford Pines was generally aware of there being crime 6 in the area, but not specifically aware of there being 7 three drive-by shootings in the last 90 days, that a 8 risk would be unnecessary -- I'm sorry, a notification 9 would be unnecessary, a waste of time, because, hey, 10 they already generally know about crime in the area? 11 A So when you're communicating risk to a 12 potential target or victim, you're doing it so they 13 can take precautions. Everybody that I recall 14 reviewing in the last couple of days alluded to an 15 awareness or explicitly stated that they were aware of 16 crime in the area. Now, the notice doesn't cause -- 17 the -- the absence of a notice is not the problem. 18 It's the absence of awareness that's a problem. 19 There is no absence of awareness, based on 20 the depositions that I've reviewed. Now, I'll give 21 you an exception to that. If, for example, they all 22 of a sudden had this string of catalytic converter 23 thefts, you might want to alert people about that, 24 'cause maybe they go out and spend \$180 and buy those 25 shields that were, you know, out of stock during the</p>	<p style="text-align: right;">Page 136</p> <p>1 the deposition testimony of, you know, the people that 2 were involved here. I mean, including some of the 3 plaintiffs who were aware of crime in the area. 4 Q Well -- and that's what I was getting at a 5 few questions back was, do you agree that, from a 6 notice perspective, as a security consultant, there's 7 a difference between saying, "Hey, there's crime in 8 the area," and saying, "In the last 90 days, we've had 9 three drive-by shootings on this block. Please be 10 aware as you go to and from your car to the building 11 and are otherwise in common areas"? 12 A I -- I don't -- I don't know -- I mean, 13 that's -- that's a great question. But I think the 14 only way I can give you -- respond to you is -- if you 15 had something like, "Hey, we've noticed a lot of car 16 break-ins. Make sure you take your valuables out of 17 view in the car," that would be very specific, right, 18 based on the crime. 19 If you're -- if you're already generally 20 aware of, you know, violent crimes in the area because 21 you've got family there, you've lived there, you live 22 as an unauthorized resident there -- if you already 23 have that awareness, I don't know what a notice is 24 going to do. Like, how does that change your 25 behavior?</p>
<p style="text-align: right;">Page 135</p> <p>1 catalytic converter theft season that we experienced a 2 couple of years ago, you know. 3 So you've got to be able to take some 4 precaution. And with the catalytic converter stuff, 5 you know, you can't really take precautions against 6 that that make any sense. So I don't know what the -- 7 I like the notices. Don't get me wrong. I recommend 8 that my clients do the notices. But if -- if the 9 people already have an awareness of crime, I'm not 10 sure what changes with the notice; right? 11 And the notice becomes cumbersome because 12 you have to validate the crime. You can't just send 13 out a notice. You have to get the police report, 14 which they were getting, you know. But you have to 15 get the notice -- you have to get the police report to 16 validate that the crime occurred before you send the 17 notice. 18 Q Unless you survey the residents, obviously 19 you're not going to know, as an apartment complex 20 property manager, what residents know or don't know 21 about crime in the area. 22 A I fully agree with that, 100 percent agree 23 with that. From the property manager perspective, 24 you're 100 percent right. How would they know? But 25 we don't -- we're not in that situation. We've got</p>	<p style="text-align: right;">Page 137</p> <p>1 The purpose of the notice or the risk 2 communication is to create awareness to hopefully 3 change behavior; right? And I think most of the 4 people that testified -- and one of the step-brothers 5 or brothers of one of these guys said, you know, "I 6 have already -- I'd already told him not to be hanging 7 outside." I think multiple people testified to that. 8 Q And so is it your testimony that, you know, 9 if somebody who lived at the property some time ago 10 says that, that's equivalent to the management company 11 that has day-to-day management responsibilities at the 12 property notifying residents? 13 A So let's go back. Number one, the standard 14 of care does not require notices. I think they're a 15 good idea; okay? And I certainly recommend them to 16 clients. But they're not the standard of care. 17 Number two, if people have an awareness, it doesn't 18 really matter where that awareness comes from. It can 19 come from management. It can come from grandma. It 20 can come from the ten o'clock news, as long as they 21 have the awareness. 22 But where the rubber meets the road is, do 23 they take action? Do they -- do they change behaviors 24 because of that knowledge? And management can't 25 control that; right? I can't force someone to not go</p>

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<p style="text-align: right;">Page 138</p> <p>1 outside, or to lock their iPad up in the car, or 2 whatever they're doing; right? I can't -- that's not 3 management's role to change that behavior. 4 Q On page 22 of Exhibit 1, you say in the 5 third paragraph on that page -- about halfway through 6 the third paragraph, "APD off-duty police officers 7 would generally stay in areas where people tended to 8 congregate or there was a history of problems." You 9 see that? 10 A Yes, sir. 11 Q Do you agree with that strategy as it 12 relates to crime prevention? 13 A I like the idea of doing that. There's tons 14 and tons and tons of research on what's called 15 hotspots policing that shows that it's an effective 16 strategy. So I do like that. I do the same thing, 17 you know, when I do a crime analysis for my clients is 18 I identify, like, where on the property the crimes are 19 occurring. And for my bigger clients, I identify 20 which of their properties is -- is the problem; right? 21 And then I always say to focus on the 22 high -- the high -- quantitatively, I tell them to 23 focus on the stuff that's above the high threshold 24 line; right? And then when they've got all those 25 problems solved, then focus on the stuff that's above</p>	<p style="text-align: right;">Page 140</p> <p>1 A Well, there's nothing in that paragraph that 2 says anything about anybody being engaged in gang 3 activity. This is an -- this is an opinion based on 4 research. So it's not about Belknap. 5 Q That's what I thought you were going to say. 6 I'm just confirming that. When you say in the fourth 7 line, "Gang affiliation increases an individual's risk 8 of victimization," what do you mean by "increases an 9 individual's risk of victimization"? 10 A So when these randomized control trials -- 11 and it's based on three studies. When they were doing 12 these studies, they were looking at different 13 populations to determine what their involvement with 14 violence was, and one of the correlating factors was 15 gang affiliation. So those -- kind of like we were 16 talking about security officers and whether it has an 17 effect, and comparing it to, you know, another 18 apartment complex; right? Those are randomized 19 control trials. 20 So what you're looking at here is, you know, 21 if you are -- you know, this group that's affiliated 22 with gangs is getting into -- getting violently 23 victimized at a rate of 284 percent compared to the 24 other group that's not affiliated with gangs. But you 25 know, the studies are there, and I'm happy to send</p>
<p style="text-align: right;">Page 139</p> <p>1 average, and don't worry about the stuff that's below 2 average. So yes, this -- I like this strategy. 3 Q And if there's not off-duty police available 4 to do hotspot policing, have you recommended to 5 clients in the past that they devote private security 6 resources to their hot spots? 7 A I -- I do. But again, we're still 8 constrained by a couple things here, and I -- and 9 I'm -- and I'm going to be blunt about this, and no 10 offense to apparently an APD officer who's pretty high 11 ranking now. But you know, as you read through the 12 testimony, it becomes pretty evident that, you know, 13 the coordinator that was assigned to Bedford Pines was 14 not successful even before COVID at getting the 15 officers there; right? But as soon as Anaya comes in, 16 problem solved. 17 Now, was the problem solved because COVID's 18 over, or largely subsided, or is it the person that -- 19 that was the problem; right? So there was testimony, 20 you know, regarding Anaya being able to solve problems 21 that Vayens wasn't able to. 22 Q I want to go to your opinions, Mr. Vellani. 23 Is your first opinion, opinion number 1, based on 24 Detective Belknap's report or information provided by 25 Detective Belknap?</p>	<p style="text-align: right;">Page 141</p> <p>1 them if you want to read the underlying data. 2 Q And so have those studies asked the question 3 whether or not young boys and men who grow up in 4 Section 8 housing in a disadvantaged community are 5 also at an increased risk of victimization? 6 A There are studies on that, but I -- that's 7 not in those three, I don't think. I mean, that's a 8 separate research question. 9 Q And do you know -- 10 A I assume it's true, but -- 11 Q Do you know whether or not that's true or 12 not true? 13 A Yeah, I would suspect it's true. I mean, 14 I've read -- I've -- you know, ancillary read 15 victimization studies. I don't spend a ton of time on 16 that stuff. But you know, I've -- I've done some 17 ancillary reading on that in undergrad and grad 18 school, and, you know, even in modern times, you know, 19 and know that to be true. But I don't know the rates 20 for that. 21 Q And you don't know how that compares to the 22 rate for gang affiliation increasing an individual's 23 risk? 24 A Correct. I mean, the -- the notion of 25 comparing the results of these studies with non-gang</p>

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<p style="text-align: right;">Page 142</p> <p>1 Section 8 housing alone, I don't know if any study 2 like that has been done. It would be very interesting 3 to see if it had been. Tell Dr. Gray to send it to 4 me. 5 Q And so has -- in your opinion, you know, if 6 you're trying to assess gang affiliation and what that 7 means -- if you grow up in Section 8 housing living 8 next door to a gang member, and you play on a 9 basketball team with a gang member, and you go to 10 school with a gang member, and you go to a birthday 11 party for the gang member, photographed with the gang 12 member, are you a gang affiliate because you grew up 13 in Section 8 housing under those circumstances? 14 A It's a very good question, a very detailed 15 question, and one I'd have to go back and look at the 16 research to know the answer to that. I don't have a 17 personal opinion on that. 18 Q You certainly wouldn't opine that somebody 19 who grew up under the circumstances I just described 20 and engaged in the conduct I just described was 21 necessarily a gang "affiliate," would you? 22 A No. The way I would -- the way I -- the way 23 I'm understanding the research -- and I'd -- again, 24 I'd have to go back and look at the way they defined 25 these terms. I mean, it's mostly your -- I mean, you</p>	<p style="text-align: right;">Page 144</p> <p>1 this paper and adding a fourth category of violence, 2 so we'll fix that. But it basically -- the idea there 3 is that there's the -- the constant retaliation, 4 ongoing disputes, that kind of stuff. It's not 5 like -- it's not playground fights. That's not what I 6 mean. 7 Q And so do you have any information, 8 Mr. Vellani, about how, for a child, adolescent, 9 teenager, young man, who grew up in Section 8 housing 10 in the Old Fourth Ward neighborhood, that would impact 11 the likelihood of serious injuries from fighting? 12 A No, 'cause it's way too specific. I don't 13 have such information. 14 Q Okay. And so if -- what I'm trying to 15 understand is, are you able to compare -- well, gang 16 affiliation increases it by this much, but merely 17 growing up in a certain kind of neighborhood where 18 there may be gang members in your proximity through no 19 choice of your own, but through virtue of where you're 20 born in this world. Do you have any understanding of 21 how that risk changes or is different? 22 A Again, it's -- you asked me this before. 23 It's a great question. I have seen studies. I cannot 24 quote them to you. I'm not relying on such studies. 25 It is a great question.</p>
<p style="text-align: right;">Page 143</p> <p>1 know, if you talk in 1990s mafia terms, you can have 2 the made guys, and then you can have the associates; 3 right? 4 So the made guys are the ones that are the 5 gang members, and the associates are the ones that 6 just hang out and commit crimes and assist in the 7 crime commission with the gang members. That's the 8 way I'm -- I'm understanding the word "affiliation." 9 It's not just that you happen to be friends with the 10 guy, or play basketball with him, or grew up next door 11 to him. 12 Q When it says in the same paragraph, opinion 13 1, "Gang affiliation increased the odds of serious 14 injuries from fighting by 284 percent," what do you 15 mean by "fighting"? 16 A Yeah. You know, it's an interesting thing, 17 because we've got to change that word, 'cause that's 18 actually not the word that's used in the underlying 19 study. It's -- it's -- it was Christine's term about, 20 you know, engaging with other gang members; right? 21 That's -- there's probably a clearer way to say it. 22 It's not like, you know, we're talking about a 23 schoolyard fight. That's not what we meant with this. 24 It was probably not the best word choice. 25 We're actually in the middle of revising</p>	<p style="text-align: right;">Page 145</p> <p>1 Q Does gang affiliation increase an 2 individual's risk of being shot in a drive-by 3 shooting? 4 A That's pretty specific, so I'm not sure of 5 any study. I mean, I can only give you that it sounds 6 reasonable. But -- you know, your -- your proposition 7 there sounds reasonable. But I'm not seeing data to 8 support that. All I can go back to is, when I look at 9 these big giant databases of crime, like the Dallas 10 open data portal -- the Atlanta one may do it too. 11 But when you look at those big giant databases, you 12 will see oftentimes drive-by as a subcategory. You 13 will see gang affiliation as a subcategory; right? 14 So I've seen data on that issue. Have I 15 seen it specifically for Bedford Pines? Have I seen 16 it specifically for Atlanta? Maybe Atlanta. 17 Definitely not Bedford Pines. But yes, I've seen that 18 correlation in data. I've never seen it, like, 19 necessarily in a study. 20 Q I take it, then, that's not an opinion 21 you're offering in this case? 22 A No, sir. 23 Q Same question, but changing gang affiliation 24 for gang membership. Does that increase an 25 individual's risk of being shot in a drive-by</p>

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<p style="text-align: right;">Page 146</p> <p>1 shooting?</p> <p>2 A Same answer. I mean, I think -- I think --</p> <p>3 you know, it's not like this magic thing where you</p> <p>4 know -- absolutely know someone's in a gang versus</p> <p>5 not. A lot of times, they get put into the gang</p> <p>6 database based on -- they either admit it to the</p> <p>7 police or something, or they have numerous signs</p> <p>8 correlated with gang membership.</p> <p>9 So I don't think it makes a difference</p> <p>10 whether it's gang membership or gang affiliation.</p> <p>11 That's not a distinction I'm drawing. That's not a --</p> <p>12 that's not a distinction the research draws.</p> <p>13 Q Is it your opinion -- or do you have an</p> <p>14 opinion, Mr. Vellani, about whether or not drive-by</p> <p>15 shootings are preventable or not preventable?</p> <p>16 A I mean, if you take all the cars away, or</p> <p>17 you take all the guns away, they're preventable;</p> <p>18 right? The question is, I'm assuming, reasonably</p> <p>19 preventable. You can't put up bullet-resistant</p> <p>20 barriers, so I don't know how you prevent it.</p> <p>21 You know, I don't know if you ever read the</p> <p>22 book Talking to Strangers by Malcolm Gladwell. He</p> <p>23 talks about basically this issue; right? About</p> <p>24 getting illegal guns off the street. I don't know</p> <p>25 that there were illegal guns involved in this, or</p>	<p style="text-align: right;">Page 148</p> <p>1 innocent bystander. But I don't have a study that I</p> <p>2 can cite to.</p> <p>3 Q Is that an opinion you intend to provide?</p> <p>4 A I haven't provided that in my report, so the</p> <p>5 answer is no. You'll only -- you'll elicit it.</p> <p>6 You're eliciting a whole lot of opinions out of me.</p> <p>7 Mr. Dial may do the same thing; right? But it's not</p> <p>8 in my report.</p> <p>9 Q Is it your opinion that people shot in a</p> <p>10 drive-by are more likely than not shot because they're</p> <p>11 associated with a gang?</p> <p>12 A No, that's -- I don't -- I -- I wouldn't</p> <p>13 even know where to begin with studying that issue.</p> <p>14 It's really specific.</p> <p>15 Q Think we talked about this a little bit</p> <p>16 already, but -- because I think you explained that at</p> <p>17 least some of the language that's in opinion 2 on page</p> <p>18 31 appears earlier in your report. Do you agree with</p> <p>19 that?</p> <p>20 A Yes, sir.</p> <p>21 Q And I think we discussed already that, at</p> <p>22 least in part, opinion 2 is based at least in part on</p> <p>23 the expert report of Detective Mark A. Belknap. Do</p> <p>24 you agree with that?</p> <p>25 A I -- I mean, I don't specifically think</p>
<p style="text-align: right;">Page 147</p> <p>1 whether they were, you know, licensed guns. But you</p> <p>2 know, is there a way to prevent it? Sure. Is there a</p> <p>3 way to reasonably prevent it? I don't know. I don't</p> <p>4 know what it is.</p> <p>5 Q I think we covered this earlier, so forgive</p> <p>6 me if it's duplicative. But I understand that you do</p> <p>7 not have an opinion about whether people shot in</p> <p>8 drive-by shootings are more likely than not targets of</p> <p>9 the drive-by shootings; is that correct?</p> <p>10 A I mean, I would tend to think -- again, I</p> <p>11 don't know -- I'm not sure how to answer this. I</p> <p>12 mean, it's not like we have news story after news</p> <p>13 story after news story about "Random person gets</p> <p>14 struck in drive-by." We have stories about it.</p> <p>15 That's not the overwhelming majority of the stories;</p> <p>16 right?</p> <p>17 Any data that I've seen on this, all the</p> <p>18 police reports that I've read on drive-by shootings,</p> <p>19 the vast majority of them involve the person that was</p> <p>20 targeted. Now, some of them do involve people that</p> <p>21 were not targeted; right? The innocent bystanders.</p> <p>22 That does happen.</p> <p>23 But the vast majority of the police reports</p> <p>24 that I've ever read regarding a drive-by specifically,</p> <p>25 you know, involve the target being struck, not an</p>	<p style="text-align: right;">Page 149</p> <p>1 that -- I mean, part of it is. Yes. It's certainly</p> <p>2 footnoted in that section.</p> <p>3 Q Okay. I want to talk about the sources</p> <p>4 other than Detective Belknap's report that you're</p> <p>5 relying on for opinion 2. Setting aside his report,</p> <p>6 what information is opinion 2 based upon?</p> <p>7 A The various testimony, which I cannot cite</p> <p>8 to you which -- all the depositions. I mean, but</p> <p>9 there was all the questioning throughout the</p> <p>10 depositions about the gang activity. There was also,</p> <p>11 ultimately, the police reports that talked about --</p> <p>12 that categorized it as gang-related. So that's no</p> <p>13 different than the answer I gave you before.</p> <p>14 Q And I take it your understanding is the</p> <p>15 police report was filled out on or soon after the June</p> <p>16 30th event, the four-page police report that you're</p> <p>17 referring to?</p> <p>18 A I mean, yeah. I mean, again -- "assume"</p> <p>19 being a subjective word -- but yes.</p> <p>20 Q To your knowledge, nobody's been charged or</p> <p>21 arrested for the June 30th shooting; is that correct?</p> <p>22 A Yes, sir.</p> <p>23 Q You don't have any independent knowledge of</p> <p>24 who did it or who you think did it?</p> <p>25 A No, sir.</p>

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<p style="text-align: right;">Page 150</p> <p>1 Q Setting aside Detective Belknap's report, 2 you don't know why the shooting was perpetrated on 3 June 30, 2020. Is that fair? 4 A Correct. That's the only source of that 5 information. 6 Q Is it your opinion that Wingate did not know 7 that gangs operated in and around Bedford Pines and 8 that that was a security risk in and around Bedford 9 Pines? 10 A So I'm pretty sure that that is in the 11 testimony that they were aware of that. And again, 12 that's why they had rules about off-lease tenants. 13 That's why they had criminal trespass citations. 14 That's why they try to identify and give lease 15 violations to unauthorized residents. I mean, a 16 property management company's got to do what's 17 reasonable; right? 18 And one of the biggest things that they 19 do -- two of the biggest things, in my opinion, that 20 they do is establish rules for who can live there, 21 conduct the criminal background checks on the 22 people -- on the prospective residents. And then 23 number two is identify, to the best of their ability, 24 and managing the problem of off-lease tenants. 25 And that is the -- one of the biggest</p>	<p style="text-align: right;">Page 152</p> <p>1 using off-duty police. Do you agree with that 2 recommendation from Plaza, or do you not have an 3 opinion about it? 4 A I think -- I think any of us, you know, 5 Ahmed, Groussman, or me, we're Monday morning 6 quarterbacking on this issue. I generally agree with 7 it. I get the logic behind it. I -- again, there 8 are -- you know, there are -- like I told you about 9 Hunter's Point in South San Francisco, you know, those 10 security officers were deputized by the police 11 department. That made sense to me in that kind of an 12 environment. 13 This -- by the way, this -- this property in 14 Bryan -- it was actually in Hurst, Texas, which is, 15 you know, a little tiny town next to Bryan. Even the 16 police department was scared to respond to that 17 apartment complex, which is crazy to me; right? Like, 18 literally the craziest thing I'd ever heard. They had 19 eight fugitives that were there, with warrants. They 20 still wouldn't go there and get them; right? So 21 the -- the apartment management got stuck dealing with 22 them. That's the property that I couldn't get 23 security officers for. 24 So to some degree, what we're doing is 25 Monday morning quarterbacking. Having said that, I do</p>
<p style="text-align: right;">Page 151</p> <p>1 problems in property management, apartment property 2 management, from a security perspective. But 3 nobody -- and trust me, I have this conversation with 4 property managers all the time. I'm like, "Identify 5 for me all the ways you identify unauthorized 6 residents." Some of them could be gang members. Some 7 of them -- most of them are not. But some of them are 8 gang members; right? 9 So identify for me all the methods you have. 10 And nobody has a foolproof method. What you can do is 11 establish rules, and then cite people when they -- 12 when it comes to your attention that they've broken 13 the rules. And that's exactly what Bedford Pines was 14 doing. 15 I wish there was a foolproof method of doing 16 it. I've developed one. It's not a reasonable 17 measure. But you can put up facial recognition 18 cameras everywhere, and that would probably work, 19 until they shoot the cameras out, I guess, or put gum 20 on them. 21 Q Opinion 3 -- is opinion 3 on page 31 based 22 at all on Detective Belknap's report? 23 A Not at all. 24 Q I wanted to ask you about Plaza's 25 recommendation that you reference here regarding only</p>	<p style="text-align: right;">Page 153</p> <p>1 agree with it. I do understand why you would do that 2 in a -- in a situation like this where you cannot 3 deputize the police -- I mean, the security officers. 4 And I also understand the substantial constraints on 5 unarmed -- I mean, I'm sorry, on armed security 6 officers. Either their company will still only allow 7 them to -- to work and observe in report mode. If 8 they can, meaning, unless there's, like, imminent 9 threat to life. 10 So -- and the huge liability risk that armed 11 security companies take. And I don't think unarmed 12 security was the right approach. 13 Q You don't think they would have been 14 effective? 15 A Effective at what; right? Like, effective 16 at -- at pushing bad actors who had a criminal 17 trespass from the police off the property? No, 18 they're not going to be effective against that. 19 Q What about effective at creating the 20 perception on the behalf of criminals in the area that 21 the risk of getting caught or apprehended is higher? 22 A You're going back to the deterrence stuff; 23 right? I mean, that's not -- that is so perpetrator 24 specific. It's ultimately -- you know, to me, that's 25 a criminal profiling opinion, and I'm not a criminal</p>

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<p style="text-align: right;">Page 154</p> <p>1 profiler. I can't get inside the mind of the bad 2 actors. We don't even know who the bad actors are. 3 I mean, as a general proposition, that's 4 kind of what I was taught in criminal justice 101; 5 right? But the way you're asking it and the way it 6 would be relevant to this case, in my mind, that's a 7 criminal profiling opinion. And I'm not -- I don't 8 think any of -- none of the experts involved in this 9 case are criminal profilers. And we have no profile 10 of -- of the criminal. 11 Q When you say in opinion 3 here that the 12 Bedford Pines security program consisted of a 13 multi-pronged approach to mitigating security risk, is 14 that what you've outlined in your report previously, 15 or is there anything else you're referring to there? 16 A No. This -- this is all about -- this 17 opinion is all about the -- the crime prevention 18 section. So it's three buckets. 19 Q Understood. When you refer to Wingate 20 meeting "the applicable standard of care relating to 21 security," in opinion 3, what are you referring to as 22 the standard of care? 23 A So I have analyzed, you know, somewhere 24 between -- I wish I had a more specific number, but 25 somewhere between 500 and 1,000 apartment complexes;</p>	<p style="text-align: right;">Page 156</p> <p>1 talk about Mr. Ahmed. We will get to Mr. Ahmed. I 2 don't know why you're -- I haven't said that, so I'm 3 happy to talk about that in a few minutes. But my 4 question to you there was not about Mr. Ahmed. It 5 was, what do you consider the standard of care to be? 6 And you have answered that. So I think I understand 7 your answer. 8 You've used throughout your report, on pages 9 18, 21, and 31, the term "standard of care." Does it 10 mean the same thing in all three places, what you just 11 defined it to mean? 12 A That's a great -- that's a great question. 13 You're making me question myself. Hang on a second. 14 Eighteen and what? 15 Q Page 18, page 21, and then page 31. 16 A Yeah. I mean, yes. Yes. 17 Q So I guess to clarify and make sure I've 18 understood correctly, setting aside your experience on 19 the ground with 500 to 1,000 apartment complexes as 20 you described, and/or interviewing property managers, 21 I heard you say that as it relates to memorialized, 22 documented standards or guidelines -- I heard you 23 reference the National Apartment Association. I heard 24 you say ASIS is not a valid standard for apartment 25 complexes.</p>
<p style="text-align: right;">Page 155</p> <p>1 right? Like, fully assessed. Not -- not just did a 2 drive-by, but fully assessed. I have interviewed 3 approximately the same amount of property managers. 4 Probably more, because, you know, multiple people on 5 the phone, multiple property managers on the phone or 6 whatever. 7 So my development of the standard of care is 8 based on the huge amount of experience that I have as 9 boots-on-the-ground consultant at these apartment 10 complexes. I know you don't seem to want to talk 11 about Mr. Ahmed, but ASIS does not establish the 12 standard of care for the apartment business. They 13 don't even -- they barely establish the standard of 14 care for the security business. 15 So you've got to go based on, what do other 16 reasonable apartment complex managers do? And that is 17 what I am basing my opinion on. Further, some of this 18 stuff is documented in, like, National Apartment 19 Association, which you could compare them to that. 20 Like, are they meeting what the NAA says about, you 21 know, apartment management and security for apartment 22 management; right? That makes sense to me. But 23 comparing it to what ASIS says, that's the dumbest 24 thing I've ever heard. 25 Q You've said a few times that I don't want to</p>	<p style="text-align: right;">Page 157</p> <p>1 Other than the NAA, are there any other 2 written, memorialized standards that you would say set 3 forth the standard of care for apartment complexes 4 like Bedford Pines? 5 A Let me -- let me clarify something. ASIS -- 6 if you adopt it -- if they adopt it, for example, the 7 2024 security risk assessment standard, or if they 8 adopted the 2015 risk assessment standard, or they 9 adopted the 2003 general security risk assessment 10 guideline, then you can hold them accountable to it, 11 okay, because that's the purpose of it. Like, "We are 12 adopting this, and now come hold us -- come audit us"; 13 right? Then you can hold them accountable. 14 Other than that, you have to go with what 15 exists in their industry. So what primarily exists in 16 their industry is whatever governance is there with 17 respect to NAA, which I hate to say doesn't provide a 18 ton of documentation. Like, Texas is phenomenal at 19 this, okay, and I don't -- I'm not trying to brag on 20 Texas, 'cause I'm trying to get out of here. It's too 21 hot. But you know, Texas Apartment Association is 22 phenomenal. 23 Like, there are -- there's something called 24 the red book. It's got security guidelines in there. 25 There's a security guideline document that goes</p>

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<p>Page 158</p> <p>1 into -- into every resident's lease. This was a HUD 2 property. HUD has standards with respect to security 3 and -- and, you know, guidelines with respect to 4 security, and I'm not seeing any violations of any HUD 5 provision; right? And there's a whole book on -- on 6 the HUD provisions; right? So there's no standard of 7 care violation there.</p> <p>8 So it's the HUD stuff. It's the NAA stuff, 9 which is pretty loosey goosey. It's the Institute of 10 Real Estate Management, which has two topics on 11 security. And then it's whatever policies they write 12 for themselves. That's where the standard of care 13 would come from, primarily. It's not just my 14 experience; right? It's a whole lot more than that.</p> <p>15 And if they -- just -- just to add to that. 16 If they adopted ASIS, great. Hold them accountable to 17 it. Absolutely hold them accountable. But you cannot 18 hold them accountable to it, you know, when they 19 didn't adopt it, and they probably never heard of it.</p> <p>20 Q Do the NAA or HUD or IRM or any other bases 21 for the standard of care, in your opinion, ask what 22 the subject property's crime history consisted of --</p> <p>23 A Yes.</p> <p>24 Q -- in defining what the subject property's 25 standard of care should be? In other words, not all</p>	<p>Page 160</p> <p>1 to probably, I don't know, 60, 70, 80 apartment 2 complexes in Atlanta, and this by far had way more 3 security.</p> <p>4 Now, you would argue that, yeah, they had 5 way more crime. I don't know that, but you know, I 6 have no reason to dispute you. You know, they had a 7 lot of security. There's a lot going on here that is 8 impressive. And at least one idea, property activity 9 coordinator, that I'm going to steal.</p> <p>10 Q Something I meant to ask you earlier, when 11 you talked about informal security risk assessments 12 taking place on an ongoing basis by Wingate, is it 13 your opinion that the people within Wingate -- the 14 regional property manager, the property manager, maybe 15 the property activity coordinator, who would have had 16 some involvement in what you've described as informal 17 security risk assessments -- that these people had the 18 competence and qualifications to be preparing security 19 risk assessments?</p> <p>20 A Well, I don't think it was just them, 21 though; right? I mean, they had -- they had the ear 22 of the police; right? They have this extraordinary 23 relationship with the police. And they have, on 24 contract, full time, a security management team; 25 right? I mean, you've got to understand how unique</p>
<p>Page 159</p> <p>1 properties are similarly situated. And I imagine, 2 under these standards and guidelines, steps that a 3 property should take to comply with the standard of 4 care depend on the property's crime history. Do you 5 agree with that?</p> <p>6 A I like what you're saying, but I'm not sure 7 that -- I don't know about HUD. I know HUD does talk 8 about crime levels and stuff. I don't know if -- I 9 don't think NAA does, and I know IRM doesn't.</p> <p>10 Q Okay. So setting aside those standards, 11 then, you agree with what I just said, that crime 12 history is relevant to what a property's actions 13 should be in order to conform to the standard of care?</p> <p>14 A Not really. I mean, I don't -- I don't 15 necessarily agree with that. I think there is a 16 baseline standard of care that's got to be met, which 17 are all the things that I asked them about, you know, 18 which would have bases in, you know, the IRM stuff, 19 which would have bases in the NAA stuff, possibly even 20 the GAA stuff, and a basis in the HUD stuff.</p> <p>21 And obviously, what are other -- I know 22 Mr. Ahmed's not a fan of community standards, but you 23 know, those questions that were coming down about what 24 other apartment complexes in the area were doing would 25 be relevant. I mean, I've done -- I've -- I've been</p>	<p>Page 161</p> <p>1 that is.</p> <p>2 You know, I think -- you know, most of my 3 colleagues, and perhaps even me in my early days, 4 would have dreamed of such a contract, right, where 5 you had that much activity going on that you could 6 hire a qualified person to go and sit in that role. 7 It's a beautiful job.</p> <p>8 That was -- you know, I don't know that 9 management needed the expertise. I think most 10 property managers have enough information to be able 11 to make those decisions. But in this case, even if 12 they had the requisite experience and training and 13 education, they also had the security management team 14 on board, including APD and Plaza. I mean, I'm not 15 trying to pat them on the back, but this is way 16 abnormal, what they're doing. It was really 17 impressive.</p> <p>18 Q Have you done any survey or comparison, 19 Mr. Vellani, of what similarly situated properties in 20 Atlanta had with respect to nighttime security in 21 2020?</p> <p>22 A Well, again, I think your point earlier was 23 well taken; right? I mean, it depends on what the 24 crime situation is. So what I can tell you is I -- I 25 have a -- a database -- an unofficial database that I</p>

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<p style="text-align: right;">Page 162</p> <p>1 dump all my crime stats into, because -- and 2 specifically for apartments, and a lot of them in 3 Atlanta. And I track the data in there, and I'm 4 looking at trends, and I'm looking at what are -- what 5 is -- what is this database of apartments telling me? 6 How much of the crime is committed by 7 strangers? How much is committed by non-strangers? 8 How much is committed inside versus outside? What's 9 the ratio of violent crime to property crime? What's 10 the time frame? When are crimes mostly occurring? So 11 this notion that more crimes are occurring at night, 12 you know, if that's what you're alluding to, I don't 13 know that that's the case. 14 You would have to do the analysis. I have 15 not. Maybe Dr. Gray's doing it. But you -- most 16 apartment complexes don't have a problem at night. 17 Most apartment complexes, as a general proposition, 18 seem to have a problem mostly between 4 p.m. and, 19 like, 8 p.m., maybe 9 p.m.; right? 20 But you have to look at the specific 21 apartment. You can't just -- you know, nobody in this 22 case is going to be able to walk in and say that more 23 security was needed at night without having done the 24 analysis specifically for Bedford Pines. 25 Q And you have not done --</p>	<p style="text-align: right;">Page 164</p> <p>1 could I have recommendations without doing the 2 assessment? You've got to do the assessment first. 3 And that's why I said we're all Monday morning 4 quarterbacking Plaza. 5 Q Do you only recommend security measures to 6 apartment complexes if there's evidence-based research 7 to support them? That's not a prerequisite? 8 A Nope. In fact, that's what I'm telling you 9 that, you know, the vast majority of things in -- in 10 security are unfortunately not evidence-based. It's 11 the rarer thing where you can either steal from the 12 police research, or there is actual security research, 13 and tap into that stuff. 14 But I wish there was more research on this 15 stuff, and that's what -- you know, I've started two 16 committees on research, one specifically in healthcare 17 that I led for five years and then handed it off. 18 Started and led for five years. And now, for a year 19 and a half, I've been running one through the IAPSC, 20 and we're doing great work, but, you know, there's not 21 enough people and not enough money to be able to 22 research everything that needs to be researched. 23 Q So I think this is an extension of what you 24 just said, but you don't have an opinion, then, on 25 whether or not there should have been security or</p>
<p style="text-align: right;">Page 163</p> <p>1 A I have no opinion on that. Right. Correct. 2 I have no opinion on that. 3 Q I take it, then, that the answer to this 4 question is no, but tell me if I'm wrong. Are you in 5 a position to provide an opinion about what you would 6 have recommended to Wingate for Bedford Pines as of, 7 let's say, May 2020, if Wingate had called you up and 8 said, "Mr. Vellani, we'd like you to come visit the 9 property and provide recommendations on how we can 10 enhance security at the property"? 11 A You're asking -- 12 MR. DIAL: Object to the form. 13 THE WITNESS: You're asking me to jump 14 the assessment and just tell you what my 15 recommendations would be? 16 BY MR. BOUCHARD: 17 Q Well, I'm asking, do you have an opinion as 18 to what you would say or would have said in those 19 circumstances? And I'm taking it the answer is, "No, 20 I don't, because I didn't conduct an assessment." 21 A Yeah. 22 Q And I'm just trying to confirm that my 23 understanding is correct. You don't have an opinion 24 about that? 25 A Yeah. I mean, I can't -- it's not -- how</p>	<p style="text-align: right;">Page 165</p> <p>1 off-duty APD working on the night of June 30 when the 2 shooting occurred? 3 A I don't have an opinion that they should 4 have been there based on crime data. I have an 5 opinion that, you know, as far as preventing a 6 drive-by shooting, I don't think it would have made 7 any difference whatsoever, and I'll tell you this for 8 a couple of reasons. 9 Number one, when you're coming from a public 10 street, I don't think a police officer's going to do a 11 whole lot of good. Those guys are going to jet off in 12 two different directions before the police officer is 13 able to jump in a car or call backup and chase after 14 them. It's not going to deter; okay? It's not going 15 to prevent. 16 And I -- and I said "deter," and by 17 accident; I meant "prevent." You know, a police 18 officer is not going to be able to intervene. When 19 you're looking -- when you're looking at developing a 20 security program, you're looking at ultimately three 21 factors. You're looking at deterrence, because it'd 22 be nice to deter people, but I know that I cannot 23 deter everybody 'cause some -- you know, I'm 52 years 24 old. I'm overweight. I'm not jumping an 8-foot 25 fence; okay?</p>

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<p style="text-align: right;">Page 166</p> <p>1 You might jump an 8-foot fence. I ain't 2 doing it. So the 8-foot fence is going to deter me. 3 It may not deter you. I can't get inside the mind of 4 every bad actor; okay? So deterrence is something we 5 look at, but it's not something we focus on. We focus 6 on prevention, and how do you prevent a drive-by 7 shooting? You put up bullet-resistant barriers. Is 8 that a reasonable measure? No, it's not; okay? 9 And then we talk about intervention. Is a 10 police officer walking around the property who's on 11 another part of the property, or driving around the 12 other part of the property -- is he going to be able 13 to intervene in a drive-by shooting committed by two 14 cars? I have no earthly idea how in God's name he's 15 going to be able to do that. 16 Look at the situation we're in. It's four 17 years later, and we don't even have an effective 18 investigation that's led to an -- an arrest, or a 19 trial, or a conviction, or anything. So it's 20 deterrence, prevention, intervention, investigation, 21 conviction. We have nothing on this case. They can't 22 even get to the arrest. 23 Q Mr. Vellani, you obviously believe that the 24 IAPSC methodology is reliable; right? 25 A Yes, sir.</p>	<p style="text-align: right;">Page 168</p> <p>1 A Not to my knowledge. 2 Q Has it ever been limited? 3 A I'm sure it has. 4 Q Do you know on what topics or issues? 5 A No, and I -- I always give this example 6 'cause it's the only one I know about. Like, I was 7 walking into court one day to testify on a case, and I 8 had planned to talk about, like, 30 different crimes 9 that happened on the property, and the -- the attorney 10 told me that the judge -- only, like, admitted, like, 11 18 reports, so I wasn't able to talk about all 30. 12 Q Other than that, you aware of any instances 13 of limitations on your testimony? 14 A No. I'm sure they're out there, but I'm not 15 aware of any. 16 Q Do you know approximately how many times 17 you've testified as an expert for a plaintiff in a 18 deposition or at trial? 19 A In total? 20 Q Yes, sir. 21 A I don't know. 22 Q Do you know for defendant? 23 A Don't know. 24 Q Do you know what the ratio is? 25 A I've always gone with, you know, generally</p>
<p style="text-align: right;">Page 167</p> <p>1 Q You applied it? 2 A Well, I applied the elements that were 3 relevant to what -- to what I was asked to opine on. 4 Q And do you agree that the methodology asks 5 security consultants to apply their judgment, 6 experience, and expertise? 7 A Yes, sir. 8 Q Do you agree that the methodology is not a 9 mathematical formula and it requires forensic 10 consultants to use their judgment, experience, and 11 expertise in performing a qualitative and quantitative 12 assessment? 13 A Yes, sir. 14 Q Do you agree that security consultants 15 applying the IAPSC forensic methodology may analyze 16 information differently based on their different 17 experiences in the security field? 18 A Yes, sir. 19 Q You agree, in other words, that two security 20 consultants could exercise their judgment and come to 21 different conclusions after applying the IAPSC 22 methodology? 23 A Happens all the time. 24 Q Mr. Vellani, has your testimony ever been 25 excluded?</p>	<p style="text-align: right;">Page 169</p> <p>1 50/50. It's probably teetering towards probably 60/40 2 in favor of defense nowadays. 3 Q How many cases are you currently working on 4 as a retained expert? 5 A It's hard to say, right, because sometimes I 6 never get notice that the case settled, and then you 7 get called up and go, "Yeah, it settled two years 8 ago." It's like, "Well, thanks for letting me know." 9 So as far as active cases, right now, it's a little 10 crazy. Probably about 20. 11 Q And what percentage of Threat Analysis 12 Group's revenue comes from your expert work? 13 A I don't know anything about -- I've asked -- 14 been asked this question about revenue. That's not 15 something I've ever looked at. I can tell you where 16 my time commitments are, which change throughout the 17 year. But I've never looked at the revenue question. 18 I mean, I work on some really, really big consulting 19 projects. One million and half million dollar 20 consulting projects. 21 So I've never really thought about going, 22 "Oh, is the expert stuff, you know, worth the time?" 23 I know -- it's not something I've ever considered. 24 Q So in terms of time, how do you allocate 25 your time to retained expert work versus other types</p>

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<p style="text-align: right;">Page 170</p> <p>1 of work?</p> <p>2 A Yeah, so that's what I was saying. It</p> <p>3 changes throughout the year. At the beginning of the</p> <p>4 year, I'm conducting threat assessments at properties</p> <p>5 across the country for literally thousands of</p> <p>6 properties.</p> <p>7 So my beginning of the year is largely</p> <p>8 consumed with, you know, doing crime analysis work.</p> <p>9 And then if things slow down, I start to spend more</p> <p>10 time on the research stuff. And then if there's</p> <p>11 deadlines -- like, you know, here in Texas, we have a</p> <p>12 new report requirement, which is driving me bonkers.</p> <p>13 You know, I'm spending more time when I've got an</p> <p>14 influx of cases with stupid deadlines.</p> <p>15 So I don't have a great answer, but</p> <p>16 generally speaking, I would say nowadays, at least as</p> <p>17 I think about the last year, it's probably like 10</p> <p>18 percent of my time, on average, is expert stuff.</p> <p>19 Q Do you agree that stranger crime is easier</p> <p>20 to deter than non-stranger crime?</p> <p>21 A Yes. Well, yeah, to prevent. But yes.</p> <p>22 Q Sorry, I wasn't trying to trick you with</p> <p>23 that word. To prevent? Yeah. What's the distinction</p> <p>24 in sort of summary terms of deterrence versus</p> <p>25 prevention? When you're saying "I'm not offering a</p>	<p style="text-align: right;">Page 172</p> <p>1 So the sign, probably pretty effective as a</p> <p>2 deterrent to juvenile thieves, but not an effective</p> <p>3 deterrent to organized retail criminals. So that's</p> <p>4 the distinction I'm drawing is I can't get inside the</p> <p>5 mind of the offender.</p> <p>6 Q I think I've asked you this, but you're</p> <p>7 obviously going to defer to whatever the evidence in</p> <p>8 the case is from witnesses in the documents. You</p> <p>9 don't have any first-hand knowledge of any of the</p> <p>10 issues in the case; is that fair?</p> <p>11 A I'm sorry. I missed the question, sir?</p> <p>12 Q You're going to defer to whatever the</p> <p>13 evidence in the case is through witnesses and</p> <p>14 documents. You don't have any independent first-hand</p> <p>15 knowledge of the issues in the case; is that correct?</p> <p>16 A Correct.</p> <p>17 Q You haven't spoken to any of the plaintiffs</p> <p>18 or the plaintiff's families in this case; right?</p> <p>19 A Correct.</p> <p>20 Q You have not asked to do so; is that right?</p> <p>21 A Correct.</p> <p>22 Q All of your opinions in this case are set</p> <p>23 forth in your expert report; is that correct?</p> <p>24 A Except for rebuttal, if I'm asked.</p> <p>25 Q Do you intend to offer a rebuttal opinion?</p>
<p style="text-align: right;">Page 171</p> <p>1 deterrence opinion; I'm offering a prevention</p> <p>2 opinion."</p> <p>3 A Well, the problem -- this is a good -- it's</p> <p>4 a very, very good question; okay? The -- the research</p> <p>5 will oftentimes use the word "deterrence" because</p> <p>6 they're not using the terms the way a security person</p> <p>7 uses the terms. So -- because you're dealing with</p> <p>8 researchers; right? They may be sociologists,</p> <p>9 criminologists, whatever. So they will use the word</p> <p>10 "deterrence," but when you dig into what they're</p> <p>11 saying, they're really talking about prevention.</p> <p>12 The distinction to me as a security person</p> <p>13 is, deterrence means I'm getting inside the mind of</p> <p>14 the offender and I'm trying to figure out what they --</p> <p>15 what would cause that particular individual or that</p> <p>16 type of individual from committing a crime.</p> <p>17 Like, if you're talking about an organized</p> <p>18 retail criminal, they're probably not going to be</p> <p>19 deterred by a sign in the Walmart, in the bathroom,</p> <p>20 above the urinal, that says "Shoplifting's not a joke;</p> <p>21 Walmart prosecutes"; right? But Walmart does have</p> <p>22 those signs in some stores, and they're trying to</p> <p>23 communicate risk to juvenile thieves. They're not</p> <p>24 trying to communicate risk to organized retail</p> <p>25 criminals; right?</p>	<p style="text-align: right;">Page 173</p> <p>1 A If I'm asked to do so.</p> <p>2 Q I take it, then, that you're saying you</p> <p>3 haven't been asked?</p> <p>4 A Well, you haven't asked me yet, and Mr. Dial</p> <p>5 haven't asked me yet. So if one of you want to ask</p> <p>6 me, I'm going to town.</p> <p>7 Q It would be awfully weird if I asked you at</p> <p>8 this point, Mr. Vellani.</p> <p>9 A You seem like you want to be ready for it,</p> <p>10 so you should ask.</p> <p>11 Q Well, you were referencing at different</p> <p>12 points that I didn't want to ask you about your</p> <p>13 opinions of Mr. Ahmed's report, which I'm happy to</p> <p>14 hear about. Do you intend to provide rebuttal</p> <p>15 opinions to Mr. Ahmed's report, or are these just sort</p> <p>16 of your reactions to what you read?</p> <p>17 A No. I think some of these would definitely</p> <p>18 be rebuttal. But I'm not intending to do a report,</p> <p>19 necessarily, if that's what you're asking. I mean, I</p> <p>20 have opinions about what he has done, and what he's</p> <p>21 right about and what he's wrong about. I also have</p> <p>22 opinions about, you know -- I mean, by his</p> <p>23 testimony -- whatever. We can get -- you want to get</p> <p>24 into it, we'll get into it. If you don't --</p> <p>25 Q Yeah. Yeah, no, I would like to hear what</p>

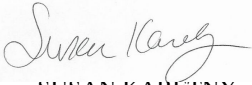
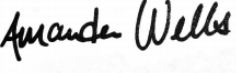
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<p style="text-align: right;">Page 174</p> <p>1 your opinions are, if you have rebuttal opinions. 2 A So number one, and I've already said this, 3 ASIS does not establish a standard of care for anyone. 4 An organization would have to adopt their standards in 5 order to be held accountable to them. It's a lovely 6 thought that he's got. It's a very naive and very -- 7 he's young, or he's -- he's young in his career, in 8 his consulting career, so I know why he doesn't get 9 this. But ASIS does not establish a standard of care 10 for any organization unless you adopt the standard or 11 the guideline. 12 It certainly would have very limited 13 applicability, because nothing they write is specific 14 for the multi-family residential housing industry. 15 Number two, love Mike Silva. He quotes Mike Silva. I 16 texted Mike Silva this morning. Mike Silva's a great 17 guy. But Mike's book does not establish a standard of 18 care. It's a damn good book, but it does not 19 establish a standard of care. My books don't 20 establish a standard of care. 21 Number three, his reference to NFPA 730. If 22 he ever looked at the history of NFPA 730, he would 23 see massive opposition to NFPA 730 from ASIS, who he 24 obviously loves, and the IAPSC, for which he's trying 25 to apply to membership. So I don't think he</p>	<p style="text-align: right;">Page 176</p> <p>1 I think he talked about it in his deposition and his 2 report. He talked about the requirement for the 3 cameras to be monitored. And he was questioned on 4 project greenlight in his deposition. 5 The research regarding monitoring cameras in 6 violent crime is seminal. We are -- we're, like -- we 7 are, like, at the beginning of research on that. I'm 8 not saying it's not effective. The research seems to 9 indicate it's not, but there's not enough research out 10 there to be able to support the opinion that, you 11 know, had they had monitoring, it would have changed 12 the outcome here. 13 And again, he's -- he's young. He's never 14 done -- I say young. He's the same age as me, but 15 he's young in his consulting career. He's never done 16 an apartment complex, so I understand why he's 17 struggling with this, but he'll get better. I -- I 18 know he's going to get better. He's going to be a 19 member of the IAPSC. He's definitely going to get 20 better. 21 He talked about challenging -- well, I -- I 22 generally agree with him that limiting the pedestrian 23 activity in this -- you know, is -- is a good idea, 24 but damn near impossible at a scattered site. And you 25 know, when you have residents that they themselves</p>
<p style="text-align: right;">Page 175</p> <p>1 understands NFPA 730, and I will go back to the 500 to 2 1,000 property managers I've interviewed. Not one of 3 them has adopted it. Not one of them has heard of it. 4 So it's really hard to hold someone accountable to 5 something they've never heard of. 6 CPP is not the standard of care for a 7 security manager or a consultant. I was a security 8 consultant for about five years before I became a CPP. 9 Basically, what he's saying is that I was doing my 10 clients a disservice for those first five years. 11 That's incorrect. And I've got friends that have 12 jumped off the ASIS train and given up their CPP just 13 because ASIS has kind of become this, you know, "Give 14 us money, give us money" organization, and don't do 15 anything for membership, for the members. 16 So I've got friends that have 30 years, 40 17 years of experience, that gave up their CPP. What 18 does that mean? Well, by his determination, that 19 they're no longer qualified? Give me a break. Next, 20 he does not seem to believe in community standards, 21 which we talked about already. I disagree that 22 Bedford Pines did not have a reasonable security plan 23 that was multi-layered. They clearly did, and it was 24 reasonable. 25 He talked about, in his deposition -- well,</p>	<p style="text-align: right;">Page 177</p> <p>1 break the rules by having unauthorized residents, and 2 the fact that two of the guys had an existing criminal 3 trespass citation against them and shouldn't have been 4 on the property -- but they knew that. You know, they 5 knew that. One of them had been arrested, you know, 6 in January, six months before. 7 So it's a good idea, limiting the -- the 8 activity. You know, we don't need freedom in this 9 country, I guess. But you know, if you're going to 10 limit it, you should limit it, I guess. And -- but I 11 don't know how; right? There's no great measures to 12 do that. Reasonable -- he talked about reasonable 13 notifications to the residents. You and I have 14 already talked about that. You've heard my opinions 15 on it, but that's obviously opposite to what he said. 16 His support for security officer efficacy in 17 his report is based on property crime, not violent 18 crime. There's a difference between preventing 19 violent crime versus preventing property crime. I 20 would agree that security officers are way better at 21 reducing property crime than they are violent crime. 22 But his singular study doesn't even support his own 23 opinion, and I've got 27 studies supporting my 24 opinion. 25 He has no basis for saying that armed</p>

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<p style="text-align: right;">Page 178</p> <p>1 security officers are superior to unarmed security 2 officers. I don't know exactly in what way he means 3 superior. I guess he means in terms of prevention of 4 crime. I'm not sure what the basis is for that. I -- 5 I've never seen data to support that. Yes, armed 6 security officers are more expensive. Yes, they're a 7 step up in the ladder, you know, of people's 8 consideration. But I'm not sure how they're superior. 9 He also testified -- and I think this is 10 where the rubber meets the road. He said specifically 11 at the outset, "What I've been asked to do is conduct 12 an analysis against the publications that exist in the 13 security industry." That's a really strange scope of 14 work, and I'm not sure why that scope of work would 15 have any value in a case like this, or frankly, any 16 other, where the subject property did not adopt said 17 standard or publication. 18 So it's kind of like holding a property 19 accountable for not meeting the fire code in Atlanta 20 when that property exists in Zimbabwe. It's like, how 21 does this make any sense? Why is this even a relevant 22 scope of work? You can't hold Bedford Pines 23 accountable to an ASIS standard. 24 Next, he's not aware of the research on the 25 risky behaviors, which is a little concerning, because</p>	<p style="text-align: right;">Page 180</p> <p>1 the record for a minute, I'll take a look at my notes. 2 I may be done, or about done. 3 MR. DIAL: Okay. 4 MR. BOUCHARD: Thank you. 5 MR. DIAL: Take five? 6 MR. BOUCHARD: Yeah, let's take five. 7 THE VIDEOGRAPHER: The time is 8 5:08 p.m. and we're off the record. 9 (Off the record.) 10 THE VIDEOGRAPHER: The time is 11 5:23 p.m. and we're on the record. 12 MR. BOUCHARD: Mr. Vellani, thank you 13 for your time today. I don't have any further 14 questions for you. 15 THE WITNESS: Thank you, sir. 16 MR. DIAL: I don't have anything. 17 He'll want to read his sign his 18 deposition, I assume; right, Karim? 19 THE WITNESS: Yes, sir. 20 THE VIDEOGRAPHER: Stand by. Let me 21 get off the record. 22 THE REPORTER: Sorry, I'm still on the 23 record. Did you say you wanted to read and sign? 24 THE WITNESS: Yes. 25 MR. DIAL: Yeah.</p>
<p style="text-align: right;">Page 179</p> <p>1 he's trying to be an IAPSC member. This is publicly 2 available on the IAPSC website. And this is probably 3 not his fault, but he was not aware of, you know, the 4 stuff that Mark Belknap talked about in his report. 5 And then he -- he -- the last thing is he 6 talked about industry standards for lighting. There 7 are no standards for lighting. There are guidelines. 8 They're published by the Illuminating Engineering 9 Society of North America. I was on the committee that 10 developed the 2016 version. They're -- they're 11 guidelines. They're not standards. And it's a 12 sliding scale. So -- and I think most people in this 13 case testified that lighting was not a factor, at 14 least according to your plaintiffs. End of TED Talk. 15 Q Does that cover it? 16 A Yes, sir. 17 Q Do you intend to provide rebuttal opinions 18 as it relates to Dr. Jane Gray? 19 A I don't know, because I don't know what 20 Dr. Jane Gray is ultimately going to do in her 21 deposition. So I -- if I don't -- if I can reserve -- 22 I don't know if that's a thing I'm allowed to do to. 23 But as of right now, I don't have any opinions with 24 respect to Dr. Gray. 25 MR. BOUCHARD: Jad, if we can go off</p>	<p style="text-align: right;">Page 181</p> <p>1 THE REPORTER: Yes? Okay, I'm sorry. 2 Mr. Bouchard, would you like to order a 3 transcript? 4 MR. BOUCHARD: Yes, ma'am. 5 THE REPORTER: Mr. Dial, would you like 6 to order a transcript? 7 MR. DIAL: I will let Ms. Woodrick do 8 that. 9 THE REPORTER: Okay. 10 MS. WOODRICK: Yes. 11 THE REPORTER: Yes? Okay. 12 MR. BOUCHARD: And just to be clear, 13 ma'am, just an electronic copy for me. 14 THE REPORTER: Okay. 15 MR. BOUCHARD: Thank you. 16 THE REPORTER: All right. Thank you, 17 that's all I need. I do have some spellings I need to 18 confirm, though. 19 THE VIDEOGRAPHER: Let me conclude. 20 One second. This concludes this video deposition. 21 The time is 5:24 p.m. and we are off the record. 22 (Signature reserved.) 23 (Whereupon, at 4:24 p.m. CDT/5:24 p.m. 24 EDT, the proceeding was concluded.) 25</p>

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<p>1 CERTIFICATE OF DEPOSITION OFFICER</p> <p>2 I, SUSAN KARETNY, the officer before whom</p> <p>3 the foregoing proceedings were taken, do hereby</p> <p>4 certify that any witness(es) in the foregoing</p> <p>5 proceedings, prior to testifying, were duly sworn;</p> <p>6 that the proceedings were recorded by me and</p> <p>7 thereafter reduced to typewriting by a qualified</p> <p>8 transcriptionist; that said digital audio recording of</p> <p>9 said proceedings are a true and accurate record to the</p> <p>10 best of my knowledge, skills, and ability; that I am</p> <p>11 neither counsel for, related to, nor employed by any</p> <p>12 of the parties to the action in which this was taken;</p> <p>13 and, further, that I am not a relative or employee of</p> <p>14 any counsel or attorney employed by the parties</p> <p>15 hereto, nor financially or otherwise interested in the</p> <p>16 outcome of this action</p> <p></p> <p>17 SUSAN KARETNY</p> <p>18 Notary Public in and for the</p> <p>19 State of Georgia</p> <p>20</p> <p>21 [X] Review of the transcript was requested.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 TO: JACKSON DIAL, ESQ.</p> <p>2 Re: Signature of Deponent Karim Vellani</p> <p>3 Date Errata due back at our offices: 30 days</p> <p>4</p> <p>5 Greetings:</p> <p>6 The deponent has reserved the right to read and sign.</p> <p>Please have the deponent review the attached PDF</p> <p>7 transcript, noting any changes or corrections on the</p> <p>attached PDF Errata. The deponent may fill out the</p> <p>8 Errata electronically or print and fill out manually.</p> <p>9</p> <p>Once the Errata is signed by the deponent and notarized,</p> <p>10 please mail it to the offices of Veritext (below).</p> <p>11</p> <p>When the signed Errata is returned to us, we will seal</p> <p>12 and forward to the taking attorney to file with the</p> <p>original transcript. We will also send copies of the</p> <p>13 Errata to all ordering parties.</p> <p>14</p> <p>If the signed Errata is not returned within the time</p> <p>15 above, the original transcript may be filed with the</p> <p>court without the signature of the deponent.</p> <p>16</p> <p>17</p> <p>18 Please send completed Errata to:</p> <p>19 Veritext Production Facility</p> <p>20 20 Mansell Court</p> <p>21 Suite 300</p> <p>22 Roswell, GA 30076</p> <p>23 (770) 343-9696</p> <p>24 CS-SOUTHEAST@VERITEXT.COM</p> <p>25</p>
<p>Page 183</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, AMANDA WELLS, do hereby certify that this</p> <p>3 transcript was prepared from the digital audio</p> <p>4 recording of the foregoing proceeding, that said</p> <p>5 transcript is a true and accurate record of the</p> <p>6 proceedings to the best of my knowledge, skills, and</p> <p>7 ability; that I am neither counsel for, related to,</p> <p>8 nor employed by any of the parties to the action in</p> <p>9 which this was taken; and, further, that I am not a</p> <p>10 relative or employee of any counsel or attorney</p> <p>11 employed by the parties hereto, nor financially or</p> <p>12 otherwise interested in the outcome of this action.</p> <p>13</p> <p>14</p> <p></p> <p>15 AMANDA WELLS</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 185</p> <p>1 ERRATA for ASSIGNMENT #6748677</p> <p>2 I, the undersigned, do hereby certify that I have read the</p> <p>transcript of my testimony, and that</p> <p>3</p> <p>4 ___ There are no changes noted.</p> <p>5 ___ The following changes are noted:</p> <p>6</p> <p>Pursuant to Rule 30(7)(e) of the Federal Rules of Civil</p> <p>7 Procedure and/or OCGA 9-11-30(e), any changes in form or</p> <p>substance which you desire to make to your testimony shall</p> <p>8 be entered upon the deposition with a statement of the</p> <p>reasons given for making them. To assist you in making any</p> <p>9 such corrections, please use the form below. If additional</p> <p>pages are necessary, please furnish same and attach.</p> <p>10</p> <p>11 Page ___ Line ___ Change _____</p> <p>12 _____</p> <p>13 Reason for change _____</p> <p>14 Page ___ Line ___ Change _____</p> <p>15 _____</p> <p>16 Reason for change _____</p> <p>17 Page ___ Line ___ Change _____</p> <p>18 _____</p> <p>19 Reason for change _____</p> <p>20 Page ___ Line ___ Change _____</p> <p>21 _____</p> <p>22 Reason for change _____</p> <p>23 Page ___ Line ___ Change _____</p> <p>24 _____</p> <p>25 Reason for change _____</p>

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<p>Page 186</p> <p>1 Page ____ Line ____ Change ____</p> <p>2 _____</p> <p>3 Reason for change _____</p> <p>4 Page ____ Line ____ Change ____</p> <p>5 _____</p> <p>6 Reason for change _____</p> <p>7 Page ____ Line ____ Change ____</p> <p>8 _____</p> <p>9 Reason for change _____</p> <p>10 Page ____ Line ____ Change ____</p> <p>11 _____</p> <p>12 Reason for change _____</p> <p>13 Page ____ Line ____ Change ____</p> <p>14 _____</p> <p>15 Reason for change _____</p> <p>16 Page ____ Line ____ Change ____</p> <p>17 _____</p> <p>18 Reason for change _____</p> <p>19 _____</p> <p>20 _____</p> <p>DEPONENT'S SIGNATURE</p> <p>21 _____</p> <p>Sworn to and subscribed before me this ____ day of</p> <p>22 _____, ____.</p> <p>23 _____</p> <p>24 NOTARY PUBLIC</p> <p>25 My Commission Expires: _____</p>	

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Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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